

IOWA EMPLOYER SUPPORT OF THE GUARD AND RESERVE WEEK, 2009

By the Mayor of Council Bluffs, State of Iowa

A Proclamation

Iowa's National Guard and Reserve forces continue to serve our state and country with distinction. Today, our National Guardsmen and Reservists are active on every front in overseas contingency operations. During Iowa Employer Support of the Guard and Reserve Week, we honor our courageous Guardsmen and Reservists and their employers, whose continued support is vital to the success of our Armed Forces and to the strength of our country.

Our Iowa Guard and Reserve personnel are training hard and deploying frequently to meet new challenges worldwide. Guardsmen and Reservists are a key component in our national defense, serving in Afghanistan, Iraq, other regions overseas and at home to defeat the threats to our national security. Iowa Guardsmen and Reservists have responded to natural disasters and humanitarian emergencies all over the world and in Iowa. Iowa is blessed and grateful for the service of these brave men and women who continue to answer the call to serve our communities and our country.

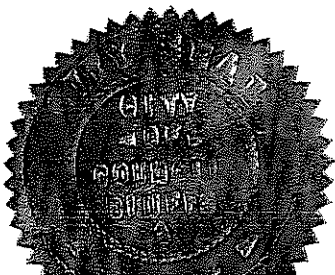
By supporting our Guardsmen and Reservists, employers across Iowa are also helping to advance freedom and democracy globally. Employer support ensures a degree of comfort for members of the Guard and Reserve so they can focus on the task at hand. At the same time, these employers benefit from the professionalism, experience, and leadership skills these citizen-warriors bring home. Employer support of our Guard and Reserve at home and abroad helps ensure our troops are mission-ready while also providing a source of pride and assurance for all Americans. This country is grateful to employers and workers for their support of Guard and Reserve members and their families.

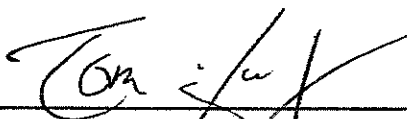
Together, our National Guard and Reserve forces and their employers are united in purpose and reflect the highest standards of professionalism and honor.

NOW, THEREFORE, I, Tom Hanafan, Mayor of the City of Council Bluffs, State of Iowa, do hereby proclaim September 13-19, 2009, as Pottawattamie County Employer Support of the Guard and Reserve Week. I encourage all citizens of city or county to join me in expressing our heartfelt thanks on behalf of our city or county to the members of our National Guard and Reserve and their civilian employers for their extraordinary sacrifices. I also call on private organizations, businesses, and all military commanders to observe this week with appropriate ceremonies and activities.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the City or county of the State of Iowa to be affixed.

Done in Council Bluffs this 14th Day of September in the year of our lord two thousand nine.





Tom Hanafan
Mayor
City of Council Bluffs, Iowa

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: 09 - ____	City Council: 9-14-09 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: 9-28-09
Subject/Title		
Resolution setting the date for a public hearing on the proposal to enter into a development agreement with the Hughes-Iron Facilities Corporation		
Background/Discussion		
<p>The Hughes Irons Facility Corporation (Developer) has proposed the acquisition of properties located at 149 and 153 West Broadway. These properties have been most recently occupied by furniture, second hand retail and appliance sales. The original occupant of the building was the Hughes Irons Motor Company which sold and serviced automobiles. The Developer requested tax increment financing (TIF) to assist in the renovation of the building. Since the building is located in the Bluffs Center I Urban Renewal Area, TIF is potentially available for the project.</p> <p>The proposed project includes renovation of the building for an estimated \$6,670,000 resulting in 13,000 square feet of commercial space, 17 residential apartments, and 19 interior parking spaces. We understand that project financing sources include New Market Tax Credit equity, PCDC loans and grants, 26% historic tax credit equity, deferred developer fees, private loans and public incentives. The anticipated assessed value of the project upon completion is estimated at \$1,655,000. This represents an increase of \$1,315,000 over the current base value of \$339,800. The additional assessed value is anticipated to generate approximately \$49,013 annually in additional taxes of which \$41,661 can be captured through TIF. The Developer is requesting an 85% TIF rebate amount to \$41,661 annually or \$624,915 over 15 years. A letter of intent has been prepared that expresses the City's intent to provide the requested assistance to the property subject to the legislative process of amending the Bluffs Center I Urban Renewal Plan and adoption of a development agreement. This LOI was approved by City Council on June 22, 2009.</p> <p>Ahlers & Cooney, P.C. have prepared proceedings to designate September 28, 2009 as the date for a public hearing on the proposal to enter into a development agreement for the project.</p>		
Recommendation		
Adoption of the Resolution.		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the Council Bluffs, State of Iowa.

Date of Meeting: September 14, 2009.

Time of Meeting: 7 o'clock P.M.

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

Bluffs Center I Urban Renewal Area

- Resolution fixing date for a meeting on the proposal to enter into a Development Agreement with Hughes-Iron Facilities Corporation.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Marcia L. Worden, City Clerk
Council Bluffs, State of Iowa

September 14, 2009

The City Council of the Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ then introduced the following proposed Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH HUGHES-IRON FACILITIES CORPORATION, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 09-263

**RESOLUTION FIXING DATE FOR A MEETING ON THE
PROPOSAL TO ENTER INTO A DEVELOPMENT
AGREEMENT WITH HUGHES-IRON FACILITIES
CORPORATION, AND PROVIDING FOR PUBLICATION OF
NOTICE THEREOF**

WHEREAS, by Resolution adopted March 3, 1969, and to be amended most recently on September 28, 2009, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Bluffs Center I Urban Renewal Plan (the "Plan") for the Bluffs Center I Urban Renewal Plan Area (the "Bluffs Center I Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, it is desirable that properties within the Project Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, the City has received a proposal from Hughes-Iron Facilities Corporation (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the City and the Developer, pursuant to which, among other things, the Developer would agree to construct certain Minimum Improvements (as

defined in the Agreement) on certain real property located within the Bluffs Center I Urban Renewal Project Area as defined and legally described in the Agreement and consisting of the rehabilitation of a current building in a blighted condition into a 49,225 square foot reconstructed facility consisting of a basement, first floor, mezzanine and second floor on property being acquired from the Pottawattamie County Development Corporation for the purpose of mixed commercial and residential uses, including parking, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Agreement further proposes that the City will make up to fifteen (15) years of thirty (30) consecutive semi-annual payments to Developer in the form of rebates of Tax Increments, the cumulative total for all such payments not to exceed the lesser of \$625,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, Iowa Code Chapters 15A and 403 (the "Urban Renewal Law") authorize cities to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and blight remediation and make such expenditures as may be necessary to carry out the purposes of said Chapter, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Agreement is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the City's performance thereunder is in furtherance of appropriate economic development activities and blight remediation and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities and blight remediation can occur under the Agreement, and pursuant to Section 364.6 of the City Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the City Clerk publish notice of the proposal and of the time and place of the meeting at which the Council proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said City to such action.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M. on the 28th day of September, 2009, for the

purpose of taking action on the matter of the proposal to enter into a Development Agreement with Hughes-Iron Facilities Corporation.

Section 2. That the City Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

(One publication required)

NOTICE OF MEETING OF THE CITY COUNCIL OF THE
COUNCIL BLUFFS, STATE OF IOWA, ON THE
MATTER OF THE PROPOSAL TO ENTER INTO A
DEVELOPMENT AGREEMENT WITH HUGHES-IRON
FACILITIES CORPORATION, AND THE HEARING
THEREON

PUBLIC NOTICE is hereby given that the Council of the Council Bluffs, State of Iowa, will hold a public hearing on the 28th day of September, 2009, at 7 o'clock P.M. in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action on the proposal to enter into a Development Agreement (the "Agreement") with Hughes-Iron Facilities Corporation (the "Developer").

The Agreement would obligate the Developer to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Bluffs Center I Urban Renewal Project Area as defined and legally described in the Development Agreement, consisting of the rehabilitation of a current building in a blighted condition into a 49,225 square foot reconstructed facility consisting of a basement, first floor, mezzanine and second floor on property being acquired from the Pottawattamie County Development Corporation for the purpose of mixed commercial and residential uses, including parking, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Agreement.

The Agreement would further obligate the City to make up to fifteen (15) years of thirty (30) consecutive semi-annual payments to Developer in the form of rebates of Tax Increments, the cumulative total for all such payments not to exceed the lesser of \$625,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement.

A copy of the Agreement is on file for public inspection during regular business hours in the office of the City Clerk, City Hall, Council Bluffs, Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of said City, to the proposal to enter into the Agreement with the Developer. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreement.

This notice is given by order of the City Council of the Council Bluffs, State of Iowa, as provided by Section 364.6 of the City Code of Iowa.

Dated this _____ day of _____, 2009.

Marcia L. Worden, City Clerk
Council Bluffs, State of Iowa

(End of Notice)

PASSED AND APPROVED this 14th day of September, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, 2009.

Marcia L. Worden, City Clerk
Council Bluffs, State of Iowa

(SEAL)

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

NOTICE OF PUBLIC HEARING

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the "Daily Nonpareil", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

, 2009.

WITNESS my official signature at Council Bluffs, Iowa, this _____ day of _____, 2009.

Marcia L. Worden, City Clerk
Council Bluffs, State of Iowa

(SEAL)

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 14, 2009
Case/Project No.: FY10-22 Resolution No. 09-264
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on September 28, 2009, for the Demolition of Abandoned Buildings Located at 2325 Nash Blvd.. (The old Holiday Inn).
Project #FY10-22.

BACKGROUND/DISCUSSION

- On August 31, 2004, the Holiday Inn located at 2325 Nash Blvd. was posted by the city Building Permits Division to stop work, vacate, secure and come into compliance with the City Building Code.
- On July 2, 2008, City Building Permits Division requested that City Legal Department to process 2325 Nash Blvd. as an abandoned property in accordance with State Code 657A.
- Through appropriate legal action the city has attained a court trial on October 1, 2009, for the District Court to rule on the abandonment petition and place the city in ownership of the property at 2325 Nash Blvd.
- In anticipation of a favorable court ruling, the bid process will start now to expedite the demolition. If the city does not receive title to the property in the court proceedings, the request for bids will be cancelled.
- Estimated project cost is \$600,000.
- Project schedule to execute demolition:

Set Public Hearing	September 14, 2009
Hold Public Hearing	September 28, 2009
Trial Date	October 1, 2009
Bid Letting	October 22, 2009
Award Contract	October 26, 2009
Complete Demolition	April 30, 2010

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO 09-264

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
DEMOLITION OF ABANDONED BUILDINGS LOCATED AT
2325 NASH BLVD. (THE OLD HOLIDAY INN)
PROJECT #FY10-22**

WHEREAS, the City wishes to make improvements known as the Demolition of Abandoned Buildings Located at 2325 Nash Blvd., (The Old Holiday Inn), within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Demolition of Abandoned Buildings Located at 2325 Nash Blvd., (The Old Holiday Inn) setting September 28, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

September 14, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 14, 2009
Case/Project No.: FY09-05B2 Resolution No. 09-265
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on September 28, 2009 for the Valley View Extension Project II. Project # FY09-05B2.

BACKGROUND/DISCUSSION

- Valley View Drive was extended from McPherson Avenue to College Road in 2003.
- In 2004, College Road was reconstructed from Mosquito Creek to Valley View Drive extension as well as reconstruction of College Road from Valley View extension east to the college access.
- In 2007-2008 Project I of the current Valley View extension reconstructed College Road from Mosquito Creek to Indian Hills Drive.
- Construction of an extension of Valley View Drive would provide a direct connection to the intersection of Hwy. 6 and Railroad Ave. and would provide access for development of the area north of College Road and west of Iowa Western Community College.
- Project II extension of Valley View Drive from College Road at Indian Hills Drive to Hwy. 6 has been delayed due to right-of-way acquisitions and negotiations with NuStar Petroleum Co. pipeline.
- Relocation of NuStar Petroleum Co. pipeline will be by the company and reimbursed by the City, per previous council approved agreement.

- A summary of the estimated costs for Project II are as follows:

Right-Of-Way and Legal	\$ 750,000.00	(complete)
NuStar Petroleum Pipeline Relocation	\$ 372,000.00	(under construction)
Clearing & Grubbing Contract	\$ 60,000.00	(complete)
Valley View Extension Project II	\$1,900,000.00	(estimate)
Construction Engineering	\$ 150,000.00	(estimate)
Estimated Total Project Cost	\$3,232,000.00	

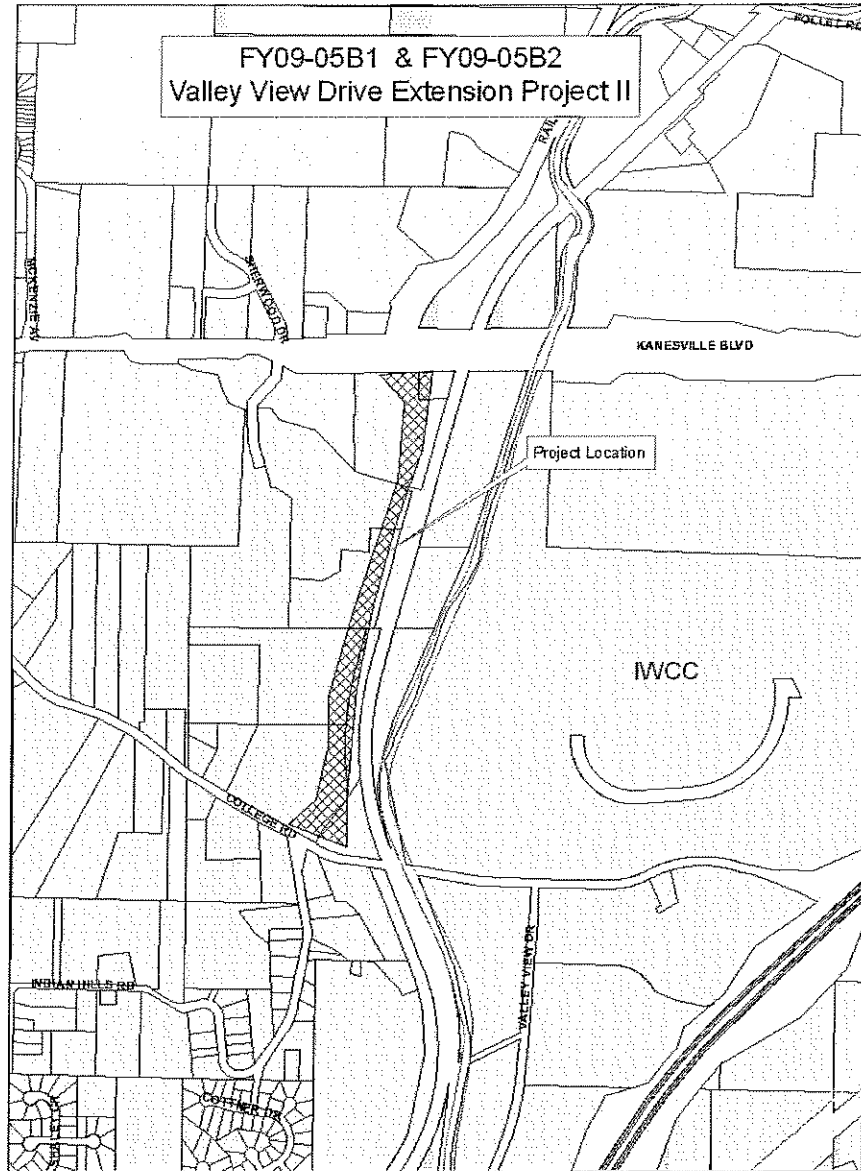
- This project FY09-05B2 is in the CIP and will be funded with GO Bonds and Sales Tax.
- The schedule of Project II is:

Set Public Hearing	09/14/09
Hold Public Hearing	09/28/09
Bid Letting	10/20/09
Award	10/26/09

RECOMMENDATION

Approval of this resolution

FY09-05B1 & FY09-05B2
Valley View Drive Extension Project II



RESOLUTION
NO 09-265

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
VALLEY VIEW DRIVE EXTENSION PROJECT II
FY09-05B2**

WHEREAS, the City wishes to make improvements known as the Valley View Drive Extension Project II, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Valley View Drive Extension Project II setting September 28, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

September 14, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading September 14, 2009

Case/Project No.: FY07-11

Resolution No. 09-266

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution accepting the work of Andersen Construction as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Kanesville Pedestrian Bridge Rehabilitation. Project #FY07-11

BACKGROUND/DISCUSSION

- The pedestrian bridge over Kanesville was constructed in 1972.
- The bridge received its first major maintenance in 1993 which dealt with severe rusting in the edges of the steel plate deck.
- In March, 2005, Public Works hired a consultant to evaluate the structural condition.
- Findings of the 2005 evaluation were severe rusting in the flat portion of the floor deck in the outside steel plates and the angle support stringers.
- This project constructed a new concrete deck and made repairs to the corroded structural members.
- The repairs and beautification were scheduled for construction in summer to coincide with school summer break 2009.
- The project is FY07-11 in the CIP and had a budget of \$150,000 in general obligation bonds for repairs. Iowa West Foundation funded the beautification work in the amount of \$150,000.
- The Iowa West Foundation funded the aesthetics: Double railing on approach spans, the existing "cage" fencing located over the roadway was removed and replaced with black vertical wire fence panels and all portions of the bridge were recommended to be painted.

	Division I <u>General</u>	Division VII <u>Bridges</u>	Division VIII <u>Paint, Fence & Rail</u>	Division VIII <u>Alternate Bridge Paint</u>	Division VIII <u>Signs</u>	<u>Total</u>
• Original contract amount	\$50,134.00	\$103,032.24	\$50,891.10	\$49,043.00	\$25,522.00	\$278,622.34
Change Orders		\$ 7,055.10			(\$11,993.00)	(\$ 4,937.90)
Final contract amount	\$50,134.00	\$110,087.34	\$50,891.10	\$49,043.00	\$13,529.00	\$273,684.44
Less previous payments	\$47,627.30	\$104,582.97	\$48,346.55	\$46,590.85	\$12,852.55	\$260,000.21
Retainage due contractor	\$ 2,506.70	\$ 5,504.37	\$ 2,544.55	\$ 2,452.16	\$ 676.45	\$ 13,684.23
Incentive for early completion	\$15,000.00					\$ 15,000.00
Final Amount Due Contractor						\$ 28,648.23
Final Project Cost						\$288,684.44

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

RESOLUTION
NO 09-266

**RESOLUTION ACCEPTING THE WORK OF
ANDERSEN CONSTRUCTION IN CONNECTION WITH
THE KANESVILLE PEDESTRIAN BRIDGE REHABILITATION
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$28,684.23
FY07-11**

WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Andersen Construction, Council Bluffs, IA for the Kanesville Pedestrian Bridge Rehabilitation; and

WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and

WHEREAS, a request for final payment in the amount of \$28,684.23 to Andersen Construction has submitted to the city council for approval and payment; and

WHEREAS, final payment is due 30 days after acceptance of the work; and

WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$28,684.23 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$28,684.23 payable to Andersen Construction from budget codes Division I: Z06200-676000, Division VII: Z06200-676300, and Division VIII: Z06200-676900. Project #00263.

ADOPTED
AND
APPROVED

September 14, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 14, 2009
Case/Project No.: FY09-09 Resolution No. 09-267
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution accepting the work of Leazenby Construction as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Broadway Streetscape-Phase I also called (Downtown Streetscape-Phase VII-Broadway.)

BACKGROUND/DISCUSSION

- The city, in partnership with Iowa West Foundation has implemented a program to rebuild the downtown public infrastructure and incorporate a streetscape theme. Six phases have been completed to date. The first phase was in 1998 and the sixth was in 2003.
- To date the total cost of the program is \$10,266,000.
- Proposed is Phase VII overall and Phase I of II for the Broadway section. Phase I is from 4th Street to 2nd Street and Phase II is from 2nd Street to 1st Street.
- Improvements in Phase VII include street, storm sewer, and sanitary sewer replacement. Streetscape amenities include landscaping, irrigation, walls, entry columns, interpretive elements, benches, street lights, and decorative concrete and brick.
- The scope of Phase VII also includes rehab of the Vine Street parking lot and the alley behind the 100 block of West Broadway. The passageway that connects the 100 block to the Vine Street parking lot will also be improved.
- This is project FY09-07 in the CIP. The project is funded by GO Bonds and a Iowa West Foundation grant for \$1,050,000.

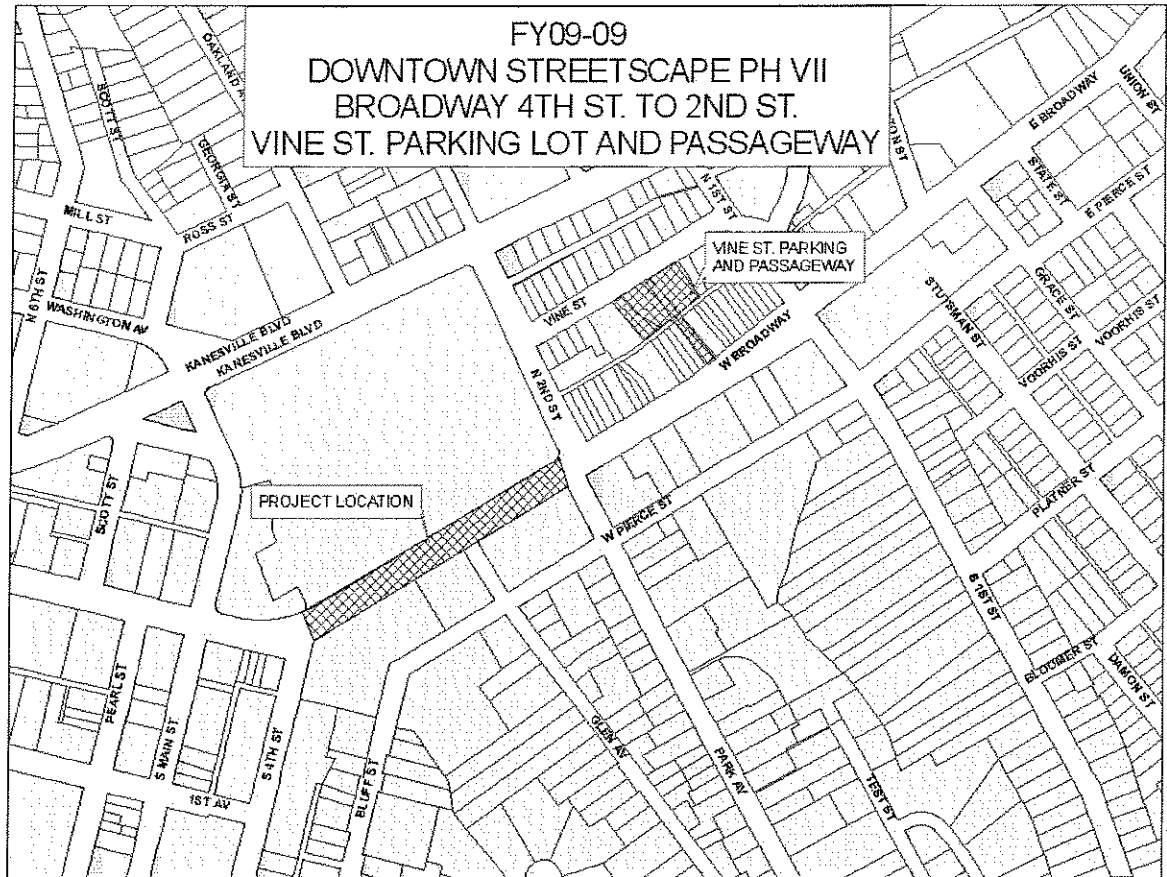
	Division I	Division II	Division III	Division IV	Division V	Division VI	Division VIII	
	<u>General</u>	<u>Pave/Appur</u>	<u>Storm</u>	<u>Sanitary</u>	<u>Water Main</u>	<u>Traffic Signal</u>	<u>Amenities/Sidewalk</u>	<u>Total</u>
Original contract amt	\$47,487.03	\$578,242.24	\$156,037.61	\$123,691.49	\$201,934.05	\$141,772.90	\$1,134,073.98	\$2,383,239.30
Change Orders	\$ 4,910.69	\$ 42,297.28	(\$ 1,747.35)	(\$ 20,747.94)	(\$ 9,579.85)	\$ 15,367.22	\$ 34,180.22	\$ 64,630.27
Final contract amt	\$52,397.72	\$620,539.52	\$154,290.26	\$102,943.55	\$192,354.20	\$157,090.12	\$1,168,254.20	\$2,447,869.57
Less previous pmts	(\$49,777.83)	(\$589,512.54)	(\$146,575.75)	(\$ 97,796.37)	(\$182,736.49)	(\$149,235.61)	(\$1,109,841.49)	(\$2,325,476.08)
Less \$3,000.00 with held due to nursery stock warranty								\$ 3,000.00
Retainage due contr	\$ 2,619.89	\$ 31,026.98	\$ 7,714.51	\$ 5,147.18	\$ 9,617.71	\$ 7,854.51	\$ 55,412.71	\$ 119,393.49

RECOMMENDATION

Approval of this resolution

Greg Reeder, Public Works Director

FY09-09
DOWNTOWN STREETSCAPE PH VII
BROADWAY 4TH ST. TO 2ND ST.
VINE ST. PARKING LOT AND PASSAGEWAY



RESOLUTION

NO 09-267

**RESOLUTION ACCEPTING THE WORK OF
LEAZENBY CONSTRUCTION IN CONNECTION WITH
THE BROADWAY STREETScape – PHASE I ALSO CALLED
(DOWNTOWN STREETScape-PHASE VII-BROADWAY)
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$119,393.49
FY09-09**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Leazenby Construction, Council Bluffs, IA for the Broadway Streetscape-Phase I also Called (Downtown Streetscape-Phase VII-Broadway); and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$119,393.49 to Leazenby Construction has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$119,393.49 constitutes a valid obligation of the City and should in its best interest be paid.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$119,393.49 payable to Leazenby Construction from budget codes General, Z13200-676000: Pavement, Z13200-676200: Storm Sewer, Z13200-676500: Sanitary Sewer, Z13200-676700: Traffic, Z13200-676800: Misc Construction, Z13200-676900: Water Works, Z13200-678000. Project #00337.

**ADOPTED
AND
APPROVED**

September 14, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

DEBORAH L. PETERSEN, P.L.C.

ATTORNEY AT LAW
215 SOUTH MAIN STREET
P.O. BOX 893
COUNCIL BLUFFS IA 51502-0893
(712) 328-8808
FAX: (712) 328-3303

FAX

TO: Marci, City Clerk
Gayle, City Planning

FAX NUMBER: 712-328-2137
712-328-4915

FROM: Deborah L. Petersen

RE: Southtowne Subdivision Preliminary Plan Approval
Southtowne Planned Commercial Development Plan
Planning Commission Case Nos. SUB-08-006 & PC-08-005
Our File No. 2134.40

DATE: August 31, 2009

On behalf of my client, Rod Rhoden, we respectfully withdraw our applications noted above. My client intends to proceed with the project when economic conditions and demand warrant a first class development. Thank you for your cooperation and your consideration.

If you need anything further, please let me know.

Sincerely,

DEBORAH L. PETERSEN, P.L.C.

DLP:cas

CC: Richard Wade, City Attorney
Fax Number: 712-322-9255

Council Communication

Department: Community Development Case No. SUB-08-006 Case No. PC-08-005 Applicant: Rod Rhoden 4111 So. 144 St. Omaha, NE 68137	Resolution No. <u>08-281</u>	City Council: October 13, 2008 Planning Commission Meeting: September 9, 2008
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Subject/Title

Preliminary plan review for a 10 lot commercial subdivision and adoption of the Planned Commercial Development Plan for a subdivision to be known as Southtowne. This 21.55 acre tract is in Lots 1, 2 and 3, Rhodens Subdivision and the east 637.83' lying north of the highway in the SW¼ SE¼ of Section 12-74-44, located at the northwest corner of Veterans Memorial Highway (Hwy 275) and South Expressway (Hwy 192).

Background/Discussion

Rod Rhoden is requesting preliminary plan approval for a 10 lot commercial subdivision to be known as Southtowne and adoption of a planned commercial development plan for 21.55 acres located at the northeast corner of Veterans Memorial Highway and the South Expressway. It will be developed in two phases, shown as Phase 1-A and 1-B. Phase 1-A includes Lots 1 through 8 and the public streets/infrastructure. Lots 9 and 10 and wetland mitigation will come later. Ordinance No. 5833 on February 14, 2005 rezoned this land to PC/Planned Commercial from C-2 Commercial and I-2/General Industrial. The zoning is appropriate for the intended commercial uses. Preliminary subdivision plans and development plans are subject to review and recommendation by the Planning Commission and final approval by the City Council.

Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04 – Subdivision Ordinance). The proposed development is generally consistent with the intent and purpose of the Subdivision and Zoning Ordinances. Sewer, water and other utilities are available and can be extended with adequate capacity to serve the proposed uses. The developer bears the cost to extend the utilities to the subdivision and service to each lot.

Access to each lot will be from new public streets built to City standards. Both East Manawa Drive and Southtowne Avenue will be 41' wide, concrete, curbed and gutted roadways on 72' wide right-of-way, extending to a signalized intersection at Veterans Memorial Highway and the South Expressway, respectively. The new portion of East Manawa Drive will align with the existing roadway to the south. Additional land for this street and at South Expressway on the north for Southtowne Avenue will be acquired by the developer from the effected property owner and incorporated into the final plat. Southtowne Drive and Southtowne Street are 31' wide roadways on 60' wide right-of-way. Access to Lots 1 and 8 is limited to Southtowne Drive. One drive is permitted per lot and where practical, shared driveways are encouraged along Southtowne Drive, with cross access and shared maintenance agreements between/ among the effected lots. The drives should also be aligned with the future options for Phase 1-B development. No additional entrances to the subdivision will be allowed from either Veterans Memorial or the South Expressway. The typical sections for the streets are acceptable as shown on Sheet 1 of 2.

Based upon the Traffic Impact study presented with the application, Public Works requires a new traffic signal at the South Expressway and Southtowne Avenue intersection and enhancements to the signal at Veterans Memorial Highway and East Manawa Drive. Southtowne Street will be at an unsignalized, right-in, right-out entrance to Veterans Memorial Highway. The signal improvements shall be completed with the Phase 1-A roadway construction.

An 18" sanitary sewer is shown in Southtowne Drive right-of-way. A minimum of 15' on each side of the centerline is required. Additional land for the sanitary sewer will be acquired by the developer to connect the sewer to the existing facilities to the east and also to Richland Drive Pump Station on the northwest.

A drainage study was submitted with the application and further revised. Additional retention capacity is needed as well as extension of pipe to drain the Southtowne Drive/East Manawa Drive intersection. Wetlands mitigation will be required as part of the Phase 1-B improvements. A letter of map amendment is needed prior to any construction on the site. Known as a CLOMR-F, the Corps of Engineers will need to review and approve the fill for both Phase 1-A and Phase 1-2.

The applicant has requested a water main extension agreement from the Water Works. A 16" main extends east/west in Veterans Memorial Highway right-of-way and a 12" line is on the west side of the South Expressway. An 8" line is shown in the Southtowne roadways. Water Works is requesting a 12" line to assure adequate capacity due to unknown future use. Final determination of hydrant needs and locations will be reviewed and approved with the construction drawings.

MidAmerican Energy has overhead electric facilities located in right-of-way on the northwest corner of the South Expressway and Veterans Memorial Highway which will not conflict with this development. Service from a three phase overhead line which served a building at 100 South Omaha Bridge Road has been removed. All electric facilities in the subdivision shall be underground. The developer will be responsible for installing a conduit system and providing easements for the underground electric facilities on the site. MidAmerican will determine the route based upon a final site plan and proposed electric loads. They require a 15' underground easement for all facilities.

Streetlights along the public streets and in parking areas within the site will be installed at no cost to the City. Locations and style of lighting were not provided.

The size and number of parking spaces and the width of the drive lanes appear consistent with the requirements of the Zoning Ordinance. With an estimated 128,350 square feet of space, 642 spaces are required for general retail use and approximately 809 are shown. Turning radii, access for emergency responders and composition of the hard surfacing will be reviewed and approved with construction drawings. Parking adequacy will be reviewed with each building permit application.

A 10' wide trail is shown along the South Expressway and along the East Manawa Drive street frontage of Lot 8. A five foot wide sidewalk is shown along the south side of Southtowne Drive and Southtowne Avenue. The sidewalk will also extend to the drive entrances of Lots 5 and 6. The trail segment extensions are intended to encourage pedestrians to cross the highway at East Manawa Drive. Sidewalk is not required along the north side of Veterans Memorial Highway.

The general site layout (building footprints and parking) as shown on the development plan, with the exception of the drive access points discussed elsewhere, is acceptable. The locations of the trash enclosures as shown are not approved. Landscaping shown on the development plan as shown is generally acceptable however; additional trees/shrubs are needed within the large parking area in Lot 1 to break up the mass of hard surfacing. Perennial and annual beds are proposed at the South 24th Street entrance and within the lifestyle center. As noted in the plan, all planted areas will be irrigated.

Signage. An entrance study completed by Iowa West Foundation has designated the intersection of Veterans Memorial Highway and South Expressway for special design treatment. The development plan shows a ground identification sign the right-of-way at that location and another at the Veterans Memorial and East Manawa Drive intersection. All signs at this location must be on-premise. The application asks for one monument sign on each lot with a maximum area of 48 square feet. Attached signage would be limited to a maximum of 36' in height.

Recommendation

The Community Development Department recommends:

- A. Preliminary plan approval for a subdivision to 5.A. own as Southtowne as shown on the attachments, subject to the following conditions, notes and exceptions.

1. Conform to all City standards and specifications, the zoning and subdivision ordinances, including §14.14.040 – Subdivision Design and Required Improvements and the Public Works Standards for Public Improvements.
2. All utilities shall be installed underground.
3. Streetlights shall be installed at locations approved by the Public Works Department.
4. The Developer shall be responsible for constructing the off-site improvements consistent with the revised traffic study and Public Works Department requirements. Off-site improvements shall include the following:
 - A. A traffic signal shall be installed at the intersection of South Expressway and Southtowne Avenue and controller enhancements completed to the existing signal along Veterans Memorial Highway.
 - B. Additional land for the storm sewer easement extending north from East Manawa Drive.
 - C. Additional land from the effected property owners for a 30' wide sanitary sewer easement to connect to existing facilities to the east, north of Veterans Memorial Highway and also to the north and west to connect to the Richland Drive Pump Station.
 - D. Dedication of additional right-of-way along the South Expressway to incorporate the 10' wide trail segment shown straddling the west property line.
5. Prepare and submit a development fill plan for Phase 1-A for review by the Corps of Engineers to secure a CLOMR-F. Building permits will not be issued for the subdivision until the CLOMR-F has been issued. Likewise, a letter of map amendment will also be needed prior to beginning construction on Phase 1-B.
6. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way, during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. The erosion and sediment control plan shall include temporary and permanent vegetative cover on all disturbed areas, structural measures and a maintenance and inspection program to address removal of sediment during construction and following any rainfall event. The proper review authority shall approve all necessary local and state permits, including a storm water pollution prevention plan and grading permits. Storm drainage designed for a 100-year rainfall event shall be stored within the site to discharge at levels not to exceed the predevelopment runoff amounts. A revised drainage plan shall be completed to include volume expectations based on Public Works design standards and coordination with the drainage capacity of the broader area. The proposed detention basin shall be sized accordingly. All applicable permits necessary to meet local state and federal requirements shall be the developer's responsibility.
7. Complete arrangements for the water main extension agreement with the Council Bluffs Water Works for appropriately sized and designed water supply to each lot.
8. Install fire hydrants at locations that comply with the minimum spacing requirements of the Water Works and the fire safety codes.
9. Trail segments (10' wide) along South Expressway and East Manawa Drive and the 5' wide sidewalk along the Southtowne Avenue frontage of Lot 1, built to City standards shall be completed concurrent with roadway construction in Phase 1-A. The remaining sidewalk along Southtowne Drive and Avenue, as shown on the development plan, shall be installed prior to issuance of the Certificate of Occupancy for each lot.
10. Streetlights paid for as part of the development cost shall comply with Public Works Department standards.
11. All billboards (off-premise signage) shall be removed from the site prior to execution of the final plat.

B. Approve the Planned Commercial Development Plan for Southtowne subject to the following:

1. Site Development
 - A. Minimum setback requirements for all structures shall be: Front 20 feet, Rear 15feet; Interior side 10 feet; and Street side: 15 feet.
 - B. Southtowne Drive shall be the front yard of Lots 1 through 8 in Phase 1-A and Lots 9 and 10 in Phase 1-B.
 - C. The maximum height of any building, structure or decorative feature for Phase 1-A lots shall not exceed 25 feet. Building, structure and decorative feature in Phase 1-B lots shall not exceed 45feet or three stories. Parapet walls not to exceed 4' mounted equipment from view. Curved roofs shall be standing seam only. Pitched roofs shall 5.A. or concrete shingles or standing seam. Not more

than 15% of the building using a pitched roof shall exceed the 25' height restriction.

D. All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosures shall have a lockable gate which when closed completely eliminates any view of the dumpster. The location will be approved with the building permit application.

E. All loading areas shall be screened from public view including all rights-of-way by a combination of architectural treatments and or landscaping which after 3 years shall significantly screen the loading area from view.

F. Each building will have a minimum of two and a maximum of three primary building materials, excluding glass. Primary building materials shall be: Brick (clay) or brick veneer, split face block, natural or composite stone or stone veneer laid horizontally and granite veneer. Secondary building materials shall be: precast concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale, cast in place concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale and integrally colored split-faced concrete block. Metal shall only be allowed as an architectural accent. Glass is permitted on any exterior. Forty percent (40%) or more but not to exceed 80% of the building's front façade or other street facing façade shall be made of brick, split face block, concrete masonry units with texture or stone. Stucco products cannot exceed 40% of the building surface. No flat faced concrete block shall be allowed except for the wall of the building which is not visible from a public space or right-of-way. Wood or wood appearing siding may be an acceptable exterior material, not to exceed 10% of the building surface. Vinyl siding is not allowed.

G. Access to each building for fire department equipment shall be provided in accordance with the requirements of the Fire Marshall's Office.

2. Landscape Plan

A. During construction and prior to installation of the landscaping, weeds shall be controlled consistent with both City and State requirements.

B. All landscaped areas including grassed and sodded areas shall be irrigated.

C. As part of the development plan approval for Phase 1-A, trees shall be planted 40' on center along the subdivision's frontage along Veterans Memorial and South Expressway and along both the east and west sides of East Manawa Drive right-of-way.

D. A specific landscaping plan shall be part of every building permit application. The plan shall include the irrigation system and planting schedule, the species list with number and location of all plant material within a dimensioned site plan. The plan will be reviewed for consistency with the concept plan. The trees and shrubs shown on each lot are generally acceptable. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the lot.

E. Not more than 10% of the landscaped area in each lot in the subdivision shall be of inorganic material brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and shrubs.

F. Landscaping shall not interfere with the vision of any motorized vehicle at any intersection or pedestrian way.

G. All trees shall be at least 2" diameter or greater when planted.

H. Not less than 10% of the total lot area shall be landscaped with trees, shrubs and other plant material.

I. In addition to the trees planted on the subdivision perimeter, a minimum of one tree shall be planted on each lot for every 10 parking spaces located on that lot.

3. Parking

A. The required minimum number of parking spaces shall be determined the use as cited in Chapter 15.23 'Off Street Parking, Loading and Unloading' requirements. In cases where several uses occupy a structure or parcel of land the total requirement for off-street parking shall be the sum of the requirement of the different uses.

B. The developer shall develop cross access and ingress/egress easements to be recorded with the final plat to accommodate shared parking and driveways.

C. Each request for a building permit will include a parking lot plan showing the number, location, and dimension of all drive aisles and spaces, pe 5.A. ways, islands, landscaped areas, loading areas, and lighting.

- D. Pedestrian ways connecting the building entrance to parking and sidewalks are required.
- E. All parking areas will be paved and curbed.
- F. All parking areas shall comply with ADA requirements.
- G. All exterior lighting in parking lots within the development shall be of a consistent type, finish and design of painted or finished aluminum or steel. Wood poles shall not be allowed. The maximum height shall not exceed 40 feet.

4. Signage

- A. One center sign located at the intersection of Veterans Memorial Highway and East Manawa Drive. This shall be monument sign with maximum height of 10'. Design shall be reviewed and approved administratively. Location and sign easement shall be included in the final plat as needed.
- B. Detached signage shall be limited to one monument sign per lot with a maximum height of 6 feet. The entire monument shall be counted as signage as measured from the existing finish grade to the top of the monument and from one side of the monument structure to the other with a maximum area on each side not to exceed 48 square feet per face.
- C. On-site directional signage will not be permitted due to the allowance for individual monument signs on each lot.
- D. Attached signs placed above the entrance shall not exceed 36" in height and 1.5 square feet per linear foot of the building to which it is attached, with a maximum of one sign per façade, not to exceed three signs.
- E. For attached signs, general sign parameters encourage individual illuminated letters, preferring reverse channel halo lighting, limited to the business or trade name of the premises as it appears on the lease.
- F. Pole signs, pylon signs and above peak roof signs are not permitted.
- G. Amendment to the development plan for signage will be necessary for the Phase 1-B development.

Public Hearing

The following appeared before the Planning Commission in favor of the request: Deb Petersen, representing Rod Rhoden. Ron Ross and Mike Geier, Snyder Associates.. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission concurs with the conditions in the staff report except that timing for removal of the south billboard will be defined in a development agreement for the site.

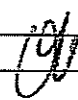
VOTE: AYE 9 NAY 1 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments: Attachment 'A', drainage plan and development concept plan

Represented by: Deb Petersen, P.O. Box 893, Council Bluffs, IA 51502-0893

Snyder Associates, Ron E. Ross, 1751 Madison Ave, Council Bluffs, IA 51503

Prepared by: Gayle M. Malmquist, Development Services Coordinator



RESOLUTION NO. 08-281

A RESOLUTION granting preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne.

WHEREAS, Rod Rhoden is requesting preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne and adoption of a planned commercial development plan for 21.55 acres located at the northeast corner of Veterans Memorial Highway and South Expressway; and

WHEREAS, Southtowne Subdivision will be developed in two phases, shown as Phase 1-A and 1-B; and

WHEREAS, the preliminary plan has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the Planning Commission concurs with the Community Development Department, and recommends approval of the preliminary plan for a subdivision to be known as Southtowne, as shown on the attachments, subject to the following conditions, notes and exceptions:

1. Conform to all City standards and specifications, the zoning and subdivision ordinances, including Section 14.14.040 – Subdivision Design and Required Improvements and the Public Works Standards for Public Improvements.
2. All utilities shall be installed underground.
3. Streetlights shall be installed at locations approved by the Public Works Department.
4. The Developer shall be responsible for constructing the off-site improvements consistent with the revised traffic study and Public Works Department requirements. Off-site improvements shall including the following:
 - A. A traffic signal shall be installed at the intersection of South Expressway and Southtowne Avenue and controller enhancements completed to the existing signal along Veterans Memorial Highway.
 - B. Additional land for the storm sewer easement extending north from East Manawa Drive.
 - C. Additional land from the affected property owners for a 30' wide sanitary sewer easement to connect to existing facilities to the east, north of Veterans Memorial Highway and also to the north and west to connect to the Richland Drive Pump Station.
 - D. Dedication of additional right-of-way along the South Expressway to incorporate the 10' side trail segment shown straddling the west property line.
5. Prepare and submit a development fill plan for Phase 1-A for review by the Corps of Engineers to secure a CLOMR-F. Building permits will not be

issued for the subdivision until the CLOMR-F has been issued. Likewise, a letter of map amendment will also be needed prior to beginning construction on Phase 1-B.

6. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way, during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. The erosion and sediment control plan shall include temporary and permanent vegetative cover on all disturbed areas, structural measures and a maintenance and inspection program to address removal of sediment during construction and following any rainfall event. The proper review authority shall approve all necessary local and state permits, including a storm water pollution prevention plan and grading permits. Storm drainage designed for a 100-year rainfall event shall be stored within the site to discharge at levels not to exceed the predevelopment runoff amounts. A revised drainage plan shall be completed to include volume expectations based on Public Works design standards and coordination with the drainage capacity of the broader area. The proposed detention basin shall be sized accordingly. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.

7. Complete arrangements for the water main extension agreement with the Council Bluffs Water Works for appropriately sized and designed water supply to each lot.

8. Install fire hydrants at locations that comply with the minimum spacing requirements of the Water Works and the fire safety codes.

9. Trail segments (10' side) along South Expressway and East Manawa Drive and the 5' wide sidewalk along the Southtowne Avenue frontage of Lot 1, built to City standards shall be completed concurrent with roadway construction in Phase 1-A. The remaining sidewalk along Southtowne Drive and Avenue, as shown on the development plan, shall be installed prior to issuance of the Certificate of Occupancy for each lot.

10. Streetlights paid for as part of the development cost shall comply with Public Works Department standards.

11. All billboards (off-premise signage) shall be removed from the site prior to execution of the final plat.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the preliminary plan approval for Southtowne Subdivision, as shown on the attachments, is hereby approved subject to the conditions set forth above.

ADOPTED
AND
APPROVED October 13, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Planning Case No. SUB-08-006

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Douglas and Jill Struyk	Resolution of Intent No. <u>09-246</u> Resolution to Dispose No. <u>09-268</u>	Set Public Hearing: 08/24/09 Public Hearing: 09/14/09
Subject/Title		
Request of Douglas L. and Jill J. Struyk, 219 Carson Avenue, Council Bluffs, IA 51503 to purchase Lots 1 and 2, Block 2, Stutsman's Second Addition.		
Background/Discussion		
<p>Douglas and Jill Struyk have submitted an Offer to Buy Lots 1 and 2, Block 2, Stutsman's Second Addition located at the south corner of Grace and Bloomer Streets as shown on the attached map. The City acquired these vacant lots through a Tax Sale Deed, dated June 2, 2009. The property, which consists of two platted lots, measures 85 feet wide by 92 feet deep for a total of 7,820 square feet and is zoned R-3/Low Density Multi-Family Residential. The topography of the site is such that the elevation from street level rises approximately 40 feet.</p> <p>The applicants have offered the price of \$2,200.00. At \$0.50 per square foot, which is typical of City owned property disposals, the price would be \$3,910.00. They have indicated they would like to "clean up and use it as green space for neighborhood kids to play in. Future may be a residence or garage." (An accessory structure by itself would not be permitted.) Due to the topography on site, the parcel is unbuildable without significant amounts of grading. It is literally the side of a bluff. Because of this, the Community Development Department considers the amount offered to be reasonable.</p>		
Recommendation		
The Community Development Department recommends disposal of Lots 1 and 2, Block 2, Stutsman's Second Addition for the sum of \$2,200.00		
Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		

50



OFFER TO BUY - STRUYK



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 09-268

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS LOTS 1 AND 2, BLOCK 2, STUTSMAN'S SECOND ADDITION.

WHEREAS, this City Council previously expressed its intent to dispose of Lots 1 and 2, Block 2, Stutsman's Second Addition located at the south corner of Grace and Bloomer Streets; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Douglas L. and Jill J. Struyk and all successors in interest: Lots 1 and 2, Block 2, Stutsman's Second Addition for the sum of \$2,200.00

ADOPTED
AND
APPROVED:

September 14, 2009

Thomas P. Hanafan Mayor

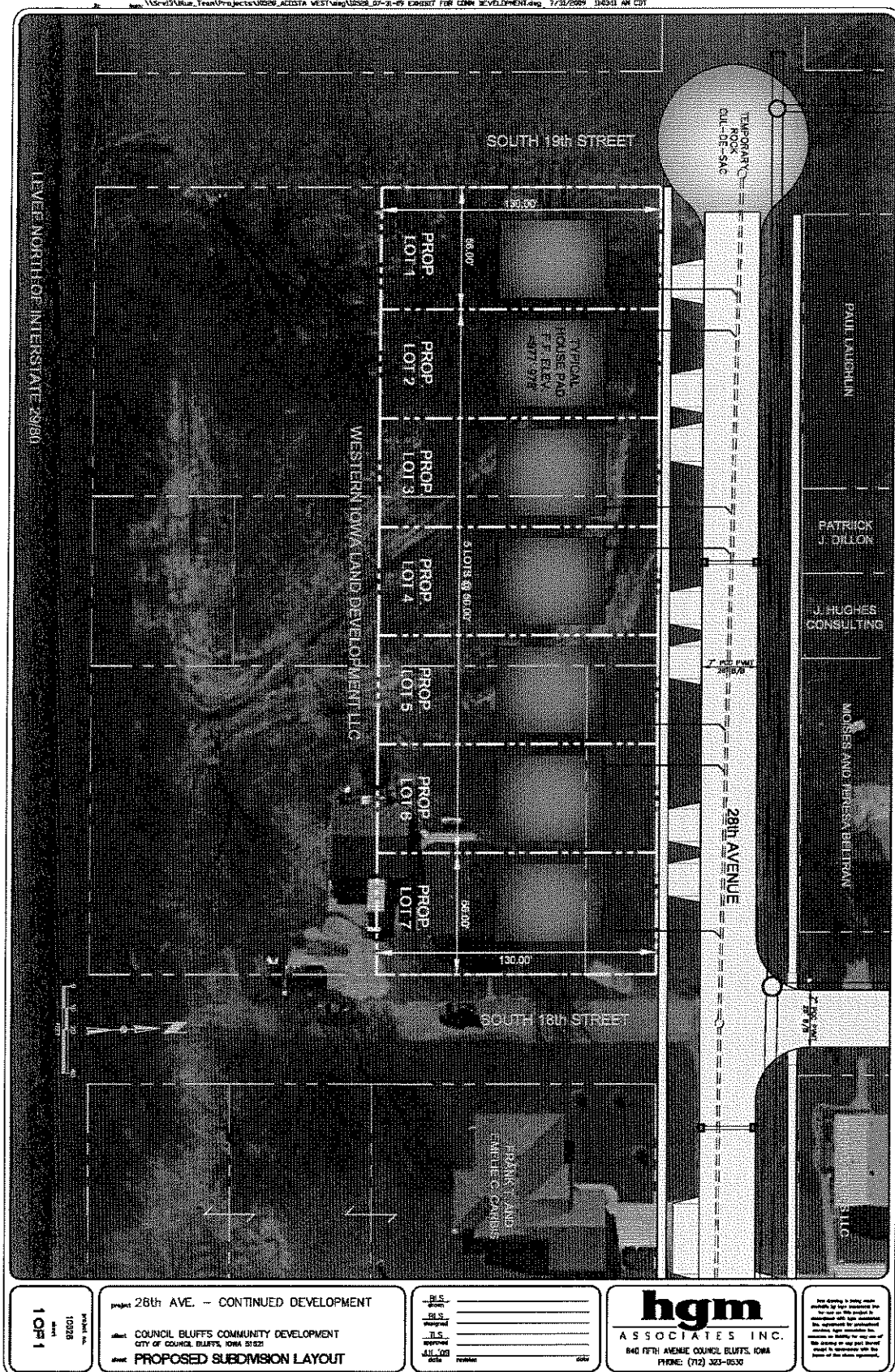
ATTEST:

Marcia L. Worden City Clerk

Council Communication
September 14, 2009 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution No.: <u>09-269</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: September 14, 2009
Case/Project No.: N/A		
Subject/Title		
Phase I of the 28 th Avenue Extension Project – Grading Improvements		
Location		
28 th Avenue between South 18 th and South 19 th Streets		
Background/Discussion		
<u>Background</u> The City has been working on developing and redeveloping the area south of 23 rd Avenue and west of Indian Creek for several years. This has involved the installation of infrastructure to support several residential infill subdivisions. To date, approximately 150 lots have been created. The project has been initiated and completed in several phases due to financial constraints. As revenues are secured additional phases can be initiated. The current phase of the project includes 28 th Avenue from South 18 th Street to South 19 th Street. This phase of the project will result in the creation of seven (7) single family lots.		
<u>Discussion</u> This particular project will be developed in two phases. Phase I of the project will involve grading the site and Phase II will involve the sewer lateral extensions, storm sewer intakes and piping, water main extension and street paving. Phase II of the project is not expected to be let until the winter of 2009 with construction in the spring of 2010 and completion in June of 2010. The Community Development Department has determined a timeline for the grading portion of the project. It is anticipated that existing project fund balances and CDBG-R revenues will be sufficient to pay for project costs. At the August 24 th City Council meeting, a public hearing was set on the plans, specifications and form of contract. This public hearing shall be held on September 14, 2009 at 7:00 p.m. in the City Council Chambers. After the public hearing, we are asking City Council to approve the plans, specifications and form of contract. The City Clerk shall also be authorized to advertise for bids setting September 29, 2009 at 10 a.m. as the date and time for the bid opening for the project. Subsequently, we will ask City Council to award the contract at the October 12, 2009 meeting.		
Staff Recommendation		
The Community Development Department recommends approval of the plans, specifications and form of contract for Phase I of the 28 th Avenue Extension Project– Grading Improvements. The City Clerk shall also be directed to advertise for bids setting September 29, 2009 at 10:00 a.m. as the date and time for the bid opening for the project.		
Attachments		
Concept plan		

Council Communication
September 14, 2009 City Council Meeting



RESOLUTION NO. 09-269

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR PHASE I OF THE 28TH AVENUE EXTENSION PROJECT – GRADING IMPROVEMENTS AND DIRECTING THE CITY CLERK TO ADVERTISE FOR BIDS SETTING SEPTEMBER 29, 2009 AT 10:00 A.M. AS THE DATE AND TIME FOR THE BID OPENING FOR THE PROJECT.

WHEREAS, The City wishes to make improvements known as Phase I of the 28th Avenue Extension Project – Grading Improvements within the City, as therein described; and

WHEREAS, This project will involve the grading of 28th Avenue between South 18th Street and South 19th Street; and

WHEREAS, Such improvements are required to accommodate the further development of the area residentially; and

WHEREAS, The plans, specifications and form of contract for the Phase I of the 28th Avenue Extension Project – Grading Improvements project are on file in the office of the City Clerk; and

WHEREAS, A Notice of Public Hearing was published as required by law and a public hearing was held on September 14, 2009.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the plans, specifications and form of contract for Phase I of the 28th Avenue Extension Project – Grading Improvements project are hereby approved and the City Clerk is hereby authorized to advertise for bids for such project, setting September 29, 2009 at 10:00 a.m. as the date and time for the bid opening.

ADOPTED
AND
APPROVED:

September 14, 2009

Thomas P. Hanafan Mayor

ATTEST:

Marcia L. Worden City Clerk

Council Communication

Department: Community Development		City Council: 8-24-09 Planning Commission: 8-11-09
Case No. ZC-09-007	Ordinance No. <u>6042</u>	First Reading: 8-24-09 Second Reading: 9-14-09 Third Reading:
Applicant: LT Standing, LTD/Donald and Carol Jones and Community Development		
Subject Request of LT Standing, LTD/Donald and Carol Jones, 19332 Old Lincoln Highway, Council Bluffs, IA 51503 to rezone 1627 Avenue C (Lot 8, Block 7, Beer's Subdivision) from C-2 Commercial to R-3/Low Density Multi-Family Residential. The Community Development Department expanded the request to include rezoning Lots 4 through 7 (1611, 1621 and 1623 Avenue C) and Lots 9 and 10 (203 and 207 North 17 th Street), all in Block 7, Beer's Subdivision.		
Background The applicant is having difficulty selling his property at 1627 Avenue C due to the current commercial zoning which makes the residential use nonconforming. He initiated a rezoning request and the Community Development Department expanded it to include the other residential uses in this block, which are listed above. The R-3 designation is being requested because it is a natural extension of the existing R-3 zoning to the north, south and west. Land uses surrounding the subject properties include residential uses to the north, south and west with commercial uses to the east. Surrounding zoning is shown on the attached map. Emily Fedor, owner of 1621 and 1623 Avenue C, contacted staff requesting additional information. No effected owner included in the rezoning has voiced any opposition. One property owner within 200 feet also requested additional information. No adverse comments have been received from any City department or utility.		
Discussion The requested rezoning is consistent with the Land Use map of the 1994 Comprehensive Plan, which shows these properties as Multi-Family Residential and will bring several residential uses into compliance with the Zoning Ordinance.		
Recommendation The Community Development Department recommends rezoning Lots 4 through 10, Block 7, Beer's Subdivision from C-2 Commercial to R-3/Low Density Multi-Family Residential.		
Public Hearing Don Jones appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation The Planning Commission recommends rezoning Lots 4 through 10, Block 7, Beer's Subdivision from C-2 Commercial to R-3/Low Density Multi-Family Residential since the rezoning is consistent with the Comprehensive Plan and will bring several residential uses into compliance with the zoning ordinance.		
VOTE: AYE 9 NAY 0 ABSTAIN 2 ABSENT 0 Motion: Carried		
Attachments: Map showing proposed rezoning area and surrounding zoning.		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



PROPOSED REZONING
FROM IC-2 TO R-3

R-3

Original
Request

Pedestrian

Pedestrian

Constant

R-3

R-3

C-2

CASE #ZC-09-007

ORDINANCE NO. 6042

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED AT NORTH 17TH STREET AND AVENUE C, FROM C-2/COMMERCIAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.15 AND 15.10 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located at North 17th Street and Avenue C (1611, 1621, 1623, and 1627 Avenue C and 203 and 207 North 17th Street), legally described as follows:

Lots 4 through 10, Block 7, Beer's Subdivision in Council Bluffs, Pottawattamie County, Iowa, from its present designation as C-2/Commercial to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.15 and 15.11 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2009
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
MARCIA L. WORDEN City Clerk

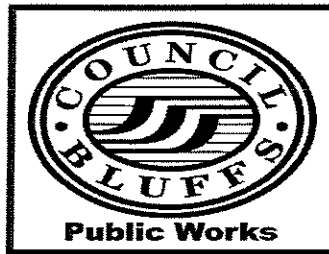
FIRST CONSIDERATION: August 24, 2009
SECOND CONSIDERATION: September 14, 2009
PUBLIC HEARING: September 14, 2009
THIRD CONSIDERATION: _____

Council Communication

Department: Finance/Purchasing	Ordinance No. Resolution No. <u>09-270</u>	<u>Council Action:</u> <u>September 14, 2009</u>
Case/Project No.		
Applicant.		
Subject/Title		
Purchase one four wheel drive tractor with mowing attachments		
Background/Discussion		
<p>On August 13, 2009 the Purchasing Division received bids on one latest model four wheel drive tractor with side and rear mount mowing attachments. Bids were solicited from five (5) local vendors; three (3) bids were received (bid tabulation is included with this packet). Low bid of \$68,000 from Omaha Tractor (Kubota tractor with Tiger mowers) does not meet specification and has been rejected. Second lowest bid of \$69,809 from Bennington Equipment (John Deere tractor with Diamond mowers) has been recommended by Dave McDermott, Fleet Superintendent; said recommendation included with this packet.</p>		
Recommendation		
<p>It is the recommendation of the Purchasing Division that the City accept the bid from Bennington Equipment of \$69,809 and purchase this equipment as it is deemed to be in the best interest of the City.</p> <p>Funds for this purchase will be provided by the Public Works Street Department Equipment Depreciation Fund.</p>		

Department Head Signature

Mayor Signature



Fleet Maintenance Division

Inter Office Memo

TO: Karen Smith, Purchasing Agent

FROM: David McDermott / Superintendent Fleet Maintenance

DATE: August 25, 2009

SUBJECT: Flail Mower Recommendation

After careful review of the bids received on the tractor/flail mowers, I see a clear difference in the bid products. I took into account the two lowest bidder's tractor/ mower combinations. These are the bids from Omaha Tractor with the Kubota and Tiger Mower combination which was lowest at \$68,000 and the John Deere with a Diamond Mower combination at \$69,800. My findings are as follows.

The Kubota has several elements of design that is not conducive to a mow tractor. There is no frame for the mower to attach to. The mowers are bolted directly to the gear case of the tractor. Kubota will not warranty the tractor if this is the method of attachment. Item 6.7 under Flail Mowers of the specification states: Unit to be frame mounted with front, mid and rear bracing. The bid states comply but Kubota does not have a frame. The specification required a dual battery system which Omaha Tractor took exception to.

The Tiger mower bid by Omaha Tractor lacks the desired elements necessary to make a dependable long lasting unit. The cutter drum has set screws to retain bearings to the shaft. This is not enough to support the weight of the cutter drum when the side unit is vertical in the transport mode. These drums as well as the trailing roller have double row spherical bearings that do not last, are expensive to replace and have a long delivery time when needed. There is no dealer for Tiger mowers in the area. Even the regional manager for Tiger called the western part of Iowa as an "Open Area". This acknowledges that there are no dealers in the area.

Therefore I am recommending that the low bid be bypassed in favor of the second lowest bid. Bennington Implement is the bid that I recommend for purchase. This is a John Deere tractor with a Diamond Mower. This combination has all the items that were specified to make a dependable long lasting unit to serve the City of Council Bluffs for years to come.

PROPOSAL

FOUR WHEEL DRIVE TRACTOR WITH MOWERS

To be returned in a sealed envelope to the City Purchasing Office, 209 Pearl St., Council Bluffs, Iowa, 51503, clearly marked, "4WD Tractor and Mower Bid to be Opened at 10:00 a.m. on August 13, 2009".

2010 John Deere 6330 Tractor	
One latest model four wheel drive tractor per specifications	\$ _____
2010 Diamond 75" Side Fail Mower	
One latest model side mount mower per specifications	\$ _____
2010 Diamond 90" Rear Fail Mower	
One latest model rear mount offset mower per specifications	\$ _____
Bid Total	\$ <u>69,809.00</u>

Delivery Days 150

Accompanying this proposal is a Cashier's Check, Certified Check or Bid Bond in the amount of \$ 5%, payable to the City Treasurer, City of Council Bluffs.

BIDDER: Bennington Equipment

BY: Jerry Steffes TITLE: Sales manager

EMAIL ADDRESS: jerryhs@benningtonequipment.com

ADDRESS: 11550 N 204th Street Elkhorn Ne 68022

TELEPHONE: 402.238-2211 FAX: 402.238.2895

EXCEPTIONS: _____

PROPOSAL

FOUR WHEEL DRIVE TRACTOR WITH MOWERS

To be returned in a sealed envelope to the City Purchasing Office, 209 Pearl St., Council Bluffs, Iowa, 51503, clearly marked, "4WD Tractor and Mower Bid to be Opened at 10:00 a.m. on August 13, 2009".

One latest model four wheel drive tractor per specifications	\$ <u>49,340.00</u>
One latest model side mount mower per specifications <i>Alamo</i>	\$ <u>21,050.00</u> <i>option 1 → option 2 below</i>
One latest model rear mount offset mower per specifications	\$ <u>5,850.00</u> <i>option 1 → "</i>
Bid Total	\$ <u>76,240.00</u>

Delivery Days 65 days

Accompanying this proposal is a Cashier's Check, Certified Check or Bid Bond in the amount of \$ 3844.50, payable to the City Treasurer, City of Council Bluffs.

BIDDER: A+M Green Power

BY: Eric McCready TITLE: Sales Manager

EMAIL ADDRESS: eric.m@amgreenpower.com

ADDRESS: 40459 Pioneer Trail, Macedonia IA 51549

TELEPHONE: 712-486-2441 FAX: 712-486-2443

EXCEPTIONS: _____

Option 2: upgrade 74" to 88" side mower \$21,200.

upgrade 88" to 96" rear mower \$6,350.

27,550

* Add: \$650 to above bid for option 2

PROPOSAL

FOUR WHEEL DRIVE TRACTOR WITH MOWERS

To be returned in a sealed envelope to the City Purchasing Office, 209 Pearl St., Council Bluffs, Iowa, 51503, clearly marked, "4WD Tractor and Mower Bid to be Opened at 10:00 a.m. on August 13, 2009".

One latest model four wheel drive tractor per specifications	\$ <u>\$46,500.00</u>
One latest model side mount mower per specifications	\$ <u>\$21,500.00</u>
One latest model rear mount offset mower per specifications	<u>included above</u>
Bid Total	\$ <u>\$68,000.00</u>

Delivery Days 30 - 60

Accompanying this proposal is a Cashier's Check, Certified Check or Bid Bond in the amount of \$3,400.00, payable to the City Treasurer, City of Council Bluffs.

BIDDER: Omaha Tractor, Inc.

BY: Dave Hardies TITLE: Kubota Salesman

EMAIL ADDRESS: davehardies@bobcat-omaha.com

ADDRESS: 9317 S. 144th St. Omaha, NE 68138

TELEPHONE: 402-895-6660 FAX: 402-895-3141

EXCEPTIONS: 1.11 No audible alarm for seat belt or park brake

2.0 Single 900 CCA battery with 80 Amp alternator

RESOLUTION NO. 09-270

WHEREAS, the City of Council Bluffs has a need to purchase one new tractor for use in the Public Works Department Street Maintenance Division;

and

WHEREAS, the City accepted sealed bids for this equipment on 8/13/09 and the lowest bid meeting specifications is from Bennington Equipment, Bennington, NE for a total of \$69,809;

and

WHEREAS, the City deems this purchase to be in the best interest of the City of Council Bluffs, Iowa.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the above purchase be approved and the Purchasing Officer be and is hereby authorized, empowered and directed to purchase said equipment.

ADOPTED

AND

APPROVED: September 14, 2009

BY: _____
Thomas P. Hanafan, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk

Council Communication

Department: Parks, Recreation and Public Property Case/Project No. Applicant: Larry N. Foster	Ordinance No. _____ Resolution No. <u>09-271</u>	Date: <u>September 14, 2009</u>																
Subject/Title																		
For City Council consideration is a resolution awarding a contract in the amount of \$292,741.93, to MFT Construction, Inc., for construction of the Mid-City Trail.																		
Background/Discussion																		
<p>This proposed improvement project consists of a 10 foot wide, ½ mile recreational trail. The trail runs parallel to 13th Street from Broadway to Avenue G and then runs along Ruth Nelson Road to North 15th Street, where it joins with a new trail section on the east side of the new Lakin Campus.</p> <p>When completed, this trail will offer a safe pedestrian connection from the existing trail on the Avenue G bridge to Broadway Park and its popular amenities, including its skateboard park. The project will also add landscaping along the length of the trail, greatly improving the attractiveness of this area.</p> <p>This trail is a critical element of the existing City-Wide Trail Plan and is being constructed in accordance with the Mid-City Trail Plan.</p> <p>City Council approved the plans, specifications and form of contract on July 27, 2009, and thereafter, in accordance with the City Council approved Agreement between the City and the Iowa Department of Transportation, the Department of Transportation offered the project for public bids.</p> <p>Bids were received on August 18, 2009, and are listed below along with the engineer's estimate:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">• MFT Construction, Inc.</td> <td style="text-align: right;">\$292,741.93</td> </tr> <tr> <td>• Cedar Valley Corporation</td> <td style="text-align: right;">\$370,860.92</td> </tr> <tr> <td>• Tab Holding Company, Inc. (D/B/A Tab Construction)</td> <td style="text-align: right;">\$377,200.85</td> </tr> <tr> <td>• Peterson Contractors, Inc.</td> <td style="text-align: right;">\$419,750.00</td> </tr> <tr> <td>• Carley Construction, LLC</td> <td style="text-align: right;">\$443,486.31</td> </tr> <tr> <td style="padding-top: 10px;">Engineer Estimate</td> <td style="text-align: right; padding-top: 10px;">\$441,976.00</td> </tr> </table> <p>Funding for the costs associated with the award of this contract shall be paid in the amount and from the following sources:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">• Iowa Department of Transportation ARRA Grant (original grant)</td> <td style="text-align: right;">\$200,000.00</td> </tr> <tr> <td>• Iowa Department of Transportation ARRA Grant (grant award in progress)</td> <td style="text-align: right;">\$ 92,741.93</td> </tr> </table> <p>Note: Should the second ARRA Grant not be awarded, funding in this amount will be from the General Obligation Bonds programmed for the Department of Parks, Recreation and Public Property – specifically for trails within the 2007-2008 and 2008-2009 Capital Improvement Plans.</p>			• MFT Construction, Inc.	\$292,741.93	• Cedar Valley Corporation	\$370,860.92	• Tab Holding Company, Inc. (D/B/A Tab Construction)	\$377,200.85	• Peterson Contractors, Inc.	\$419,750.00	• Carley Construction, LLC	\$443,486.31	Engineer Estimate	\$441,976.00	• Iowa Department of Transportation ARRA Grant (original grant)	\$200,000.00	• Iowa Department of Transportation ARRA Grant (grant award in progress)	\$ 92,741.93
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• Iowa Department of Transportation ARRA Grant (original grant)	\$200,000.00																	
• Iowa Department of Transportation ARRA Grant (grant award in progress)	\$ 92,741.93																	

The Iowa Department of Transportation has reviewed the bids received, recommended the bid of MFT Construction, Inc., and has provided a contract for City authorization.

Recommendation

Recommendation that the City Council adopt the resolution awarding MFT Construction, Inc., the contract for construction of the Mid-City Trail Project in the amount of \$292,741.93.

Also recommended and included in the Resolution is City Council approval of contingency fund in the amount of 3% of the project construction cost.. This contingency fund is to be used to address construction related items that may develop during construction. Expenditure of this contingency fund would be by change order and would require the review and approval of the Project Architect and the Director of Parks, Recreation and Public Property.

Larry Foster

Thomas P. Hanafan

RESOLUTION NO. 09-271

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT AND AWARD BID TO MFT CONSTRUCTION, INC., FOR THE MID-CITY TRAIL PROJECT.

WHEREAS, the City of Council Bluffs desires to construct a 10 foot wide, ½ mile recreational trail that runs parallel to 13th Street from Broadway to Avenue G and then runs along Ruth Nelson Road to North 15th Street where it joins with a new trail section on the east side of the Lakin Campus; and

WHEREAS, on July 27, 2009, Council approved the plans, specifications and form of contract for the Mid-City Trail project; and

WHEREAS, on August 18, 2009, bids were received by the Iowa Department of Transportation; and

WHEREAS, MFT Construction, Inc., has submitted a low bid in the total amount of \$292,741.93; and

WHEREAS, also recommended is a contingency fund in the amount of 3% of the project construction cost; and

WHEREAS, the City Council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute a contract with MFT Construction, Inc., for the Mid-City Trail Project.

ADOPTED
AND
APPROVED September 14, 2009

Thomas P. Hanafan Mayor

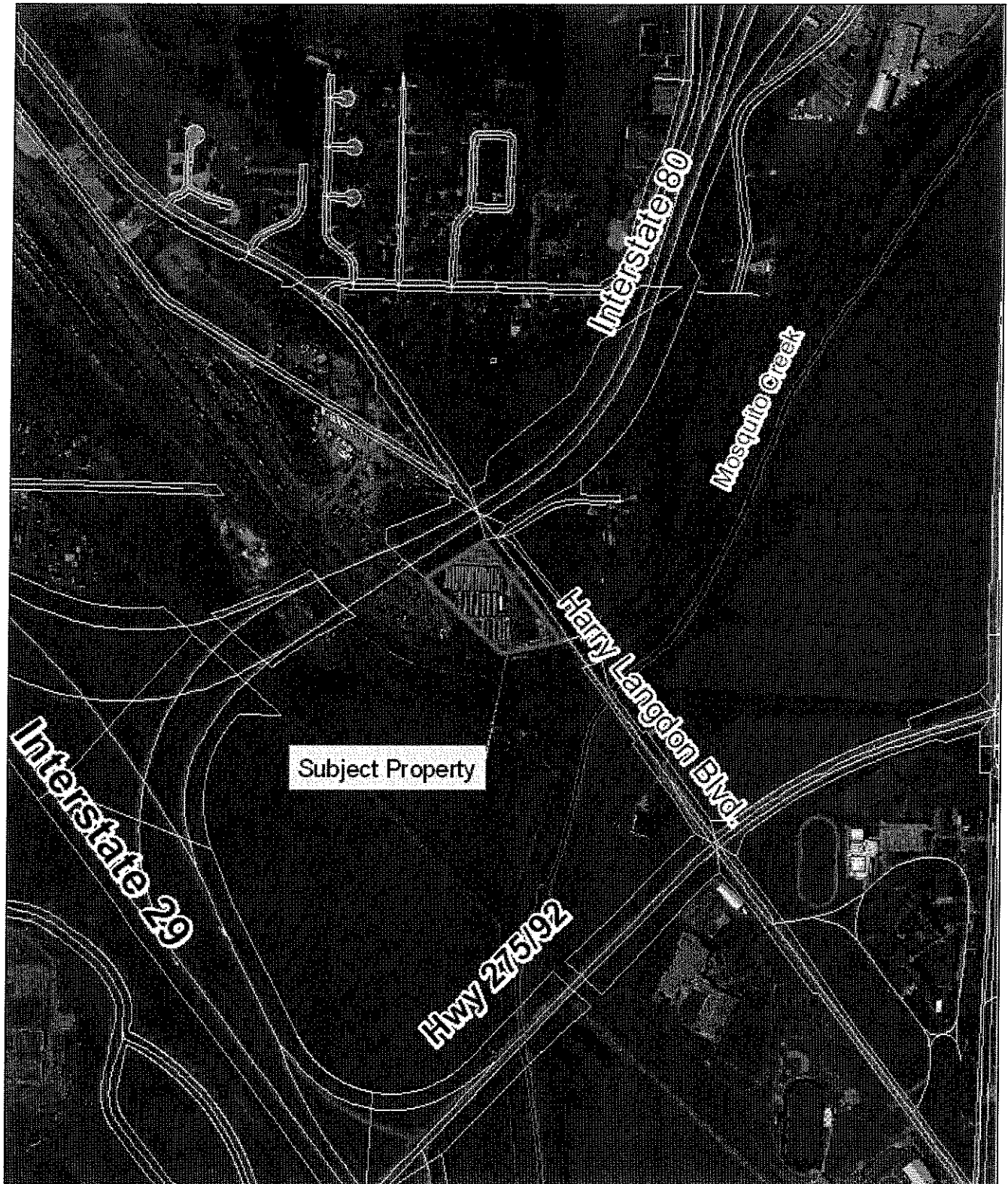
Attest:

Marcia L. Worden City Clerk

Council Communication

Department: Community Development	Resolution No. _____	Hearing: September 14, 2009
Subject		
Designate an authorized representative to make an application to the Hazard Mitigation Grant Program (HMGP) and commit a 15% local match for a project at 3100 Harry Langdon Boulevard.		
Background/Discussion		
<p>The Hazard Mitigation Grant Program (HMGP) is administered by the Iowa Homeland Security and Emergency Management Division. The grant program utilizes funds dispersed by FEMA to individual states to implement hazard mitigation projects. The grant program is administered on a cost share basis with a 75% federal, 10% state and 15% local matching grant. It is believed that the Iowa Department of Economic Development can provide the 15% local match money. Although that cannot be assured until the application is acted on by FEMA, if the grant is awarded IDED will likely provide the local match requirement.</p> <p>The City will propose to acquire the property at 3100 Harry Langdon Boulevard. The property includes one single family residence and numerous commercial greenhouse structures. The property is part of Dallas Johnson Greenhouses. The property has been effected by flooding in the past. In order to complete the project the City must acquire title to the property by voluntary sale, once acquired the structures must be demolished and the property must remain in perpetuity as green space, recreational or wetlands management uses. The total project costs are estimated at \$1,500,000. The local match amount is expected not to exceed \$225,000.00. An authorized representative is required to make the application and to administer the grant if awarded.</p>		
Recommendation		
The Community Development Department recommends 1) the City Council commit \$225,000.00 for local match for a hazard mitigation project at 3100 Harry Langdon Boulevard, and 2) authorization to appoint Donald D. Gross, Director of Community Development to act as the authorized representative for the grant application/project.		
Attachments: Subject property map		
Prepared By: Rose E. Brown, Urban Planner, Community Development Department		

Hazard Mitigation Grant Program Application
3100 Harry Langdon Boulevard



RESOLUTION NO. _____

A RESOLUTION TO DESIGNATE AN AUTHORIZED REPRESENTATIVE TO MAKE AN APPLICATION TO THE HAZARD MITIGATION GRANT PROGRAM AND TO COMMIT A 15% LOCAL MATCH AMOUNT FOR THE HAZARD MITIGATION GRANT PROGRAM FOR IMPLEMENTATION OF A PROJECT AT 3100 HARRY LANGDON BOULEVARD.

WHEREAS, the City of Council Bluffs, will make application through Iowa Homeland Security and Emergency Management Division to the Federal Emergency Management Agency (FEMA) for Hazard Mitigation Grant Program funds for a project located at 3100 Harry Langdon Boulevard; and

WHEREAS, the grant is awarded on a cost share basis with the federal share not exceeding 75%, the State of Iowa share not exceeding 10% and the local share being a minimum of 15% of the eligible project costs; and

WHEREAS, the City of Council Bluffs recognizes the fact that the Hazard Mitigation Grant Program is a 75% federal, 10% state and 15% local matching grant; and

WHEREAS, the estimated local match amount will not exceed \$225,000; and

WHEREAS, this City Council believes that the implementation of said project would be in the best interest of the community.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

The City of Council Bluffs agrees to provide up to \$225,000.00 of local monies to be used as matching funds for the Hazard Mitigation Grant Program Project as outlined for 3100 Harry Langdon Boulevard.

BE IT FURTHER RESOLVED THAT

Donald D. Gross, Director of Community Development is authorized to act as the authorized representative on behalf of the City of Council Bluffs for said project.

ADOPTED
AND
APPROVED: _____, 2009

Thomas P. Hanafan Mayor

ATTEST: _____
Marcia L. Worden City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 14, 2009
Case/Project No.: _____ Resolution No. 09-273
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Consideration of a resolution authorizing the Mayor to execute Iowa Department of Transportation Preconstruction Agreement 2010-4-002 in connection with Interstate Reconstruction.

BACKGROUND/DISCUSSION

- The IADOT is proposing the reconstruction of I-80 westbound from the Missouri River Bridge to the west side of the West I-29/I-80 mixmaster. The work is scheduled to begin August, 2010.
- In accordance with state code, IADOT is required to enter a preconstruction agreement with the city prior to commencement of the work.
- Special provisions of the agreement include maintaining I-80 traffic during construction and requires the recreation trail under I-80 bridge to be open to use except for unavoidable temporary closures.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

STAFF ACTION NO: _____

PRECONSTRUCTION AGREEMENT

County	<u>Pottawattamie</u>
City	<u>Council Bluffs</u>
Project No.	<u>IM-80-1(328)0-13-78</u>
	<u>IM-80-1(323)0-13-78</u>
	<u>IM-80-1(324)0-13-78</u>
Iowa DOT	
Agreement No.	<u>2010-4-002</u>

This Agreement, is entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and the City of Council Bluffs, Iowa, hereafter designated the "CITY" in accordance with 761 Iowa Administrative Code Chapter 150 and Iowa Code sections 28E.12 and 306A;

WITNESSETH; that

WHEREAS, the DOT proposes to establish or improve Interstate Highway No. 80 as a controlled access facility within Pottawattamie County, Iowa; and

WHEREAS, the DOT and the CITY are willing to jointly participate in said project, in the manner hereinafter provided; and

WHEREAS, this Agreement reflects the current concept of this project which is subject to modification by mutual agreement between the CITY and the DOT; and

NOW, THEREFORE, IT IS AGREED as follows:

1. The DOT will design, let and inspect construction of the following described project in accordance with the project plans and DOT standard specifications:

I-80 westbound will be reconstructed from the west end of the westbound Missouri River Bridge currently under construction, east to just west of the I-29/I-80 Mixmaster including grading, paving, lighting and traffic signs.

Special Provisions

2. I-80 through-traffic will be maintained during the construction period.
3. The recreational trail, located at approximately Station 7398+45 and traversing the project from south to north, will remain open for use and handicap accessible during the project.

Temporary closures of the trail will be necessary to allow the DOT's contractor to construct the project. These temporary closures will be kept to a minimum to accommodate the trail users.

4. If the CITY has completed a Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the FIS is modified, amended or revised in an area affected by the project after the date of this Agreement, the CITY shall promptly provide notice of the modification, amendment or revision to the DOT. If the CITY does not have a detailed Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the CITY does adopt an FIS in an area affected by the project after the date of this Agreement, the CITY shall promptly provide notice of the FIS to the DOT.

General Provisions

5. The DOT will bear all costs except those allocated to the CITY under other terms of this Agreement.
6. Also as part of the project, it may be necessary to temporarily close various local CITY streets and/or alleys during portions of said project. If temporary closures are necessary, the DOT will furnish and install the required road closure barricades and signing at project cost and shall remove same upon completion of the project also at no expense or obligation to the CITY. The DOT will work in close cooperation with the CITY and the contractor to accommodate fire protection and local access across the project during construction.
7. In the event this project is financed with federal funds, the CITY will take whatever action may be necessary to comply with applicable federal laws and regulations which includes but is not limited to Title 23 CFR (Code of Federal Regulations).
8. Future maintenance of the primary highway within the project area will be carried out in accordance with the terms and conditions contained in 761 Iowa Administrative Code Chapter 150.
9. Any costs incurred by the CITY in performing its obligations hereunder will be borne exclusively by the CITY without reimbursement by the DOT.
10. Subject to the provisions hereof, the CITY in accordance with 761 Iowa Administrative Code sections 150.3(1)c and 150.4(2) will remove or cause to be removed (within the CITY project limits) all encroachments or obstructions in the existing primary highway right of way. The CITY will also prevent the erection and/or placement of any structure or obstruction on said right of way or any additional right of way which is acquired for this project including but not limited to private signs, buildings, pumps, and parking areas.
11. Subject to the approval of and without expense to the DOT, the CITY agrees to perform or

cause to be performed all relocations, alterations, adjustments or removals of existing utility facilities within the CITY, including but are not limited to power, telephone lines, fiber optics lines, natural gas pipelines, water mains and hydrants, curb boxes, utility accesses, storm water intakes, sanitary sewers, and related poles, installations and appurtenances, whether privately or publicly owned, and all parking meters, traffic signals and other facilities or obstructions which are located within the limits of an established street or alley and which will interfere with construction of the project and the clear zone, as provided in Chapter 761 Iowa Administrative Code section 150.4(5) and in accordance with the Utility Accommodation Policy of the DOT referenced therein.

12. With the exception of service connections no new or future utility occupancy of project right of way, nor any future relocations of or alterations to existing utilities within said right of way (except service connections), will be permitted or undertaken by the CITY without the prior written approval of the DOT. All work will be performed in accordance with the Utility Accommodation Policy and other applicable requirements of the DOT.

Miscellaneous Provisions

13. It is the intent of both (all) parties that no third party beneficiaries be created by this Agreement.
14. If any section, provision, or part of this Agreement shall be found to be invalid or unconstitutional, such finding shall not affect the validity of the Agreement as a whole or any section, provision, or part thereof not found to be invalid or unconstitutional, except to the extent that the original intent of the Agreement cannot be fulfilled.
15. This Agreement may be executed in two counterparts, each of which so executed will be deemed to be an original.
16. This document, as well as the unaffected provisions of any previous agreement(s), addendum(s), and/or amendment(s); represents the entire Agreement between the CITY and DOT regarding this project. Any subsequent change or modification to the terms of this Agreement will be in the form of a duly executed amendment to this document.

IN WITNESS WHEREOF, each of the parties hereto has executed Preconstruction Agreement No. 2010-4-002 as of the date shown opposite its signature below.

CITY OF COUNCIL BLUFFS:

By: _____ Date _____, 200 ____
Title: Mayor

I, _____, certify that I am the Clerk of the CITY, and that
_____, who signed said Agreement for and on behalf of the CITY
was duly authorized to execute the same on the ____ day of _____, 200 ____.

Signed: _____
City Clerk of Council Bluffs, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION:

By: _____ Date _____, 200 ____
John Selmer
District Engineer
District 4

R E S O L U T I O N
NO _____

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE IOWA DEPARTMENT OF TRANSPORTATION
PRECONSTRUCTION AGREEMENT NO. 2010-4-002
IN CONNECTION WITH
INTERSTATE RECONSTRUCTION**

- WHEREAS, the city wishes to make improvements known as the
Interstate Reconstruction, within the city, as therein
described; and
- WHEREAS, Iowa Department of Transportation has submitted an agreement
to provide services for the work necessary for said improvements;
and
- WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute Iowa Department
of Transportation for services relative to the Interstate Reconstruction.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 14, 2009
Case/Project No.: FY09-06A Resolution No. 09-274
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Consideration of a resolution authorizing the Mayor to execute Iowa Department of Transportation Agreement for Traffic Safety Improvement Funding, Project No. CS-TSF-1642(656)-85-78, Agreement No. 2010-TS-005.

BACKGROUND/DISCUSSION

- The Public Works Traffic Division is in the process of replacing 25 traffic signal controllers primarily on the West Broadway, Kaneshville and So. Expressway corridors.
- It is a maintenance priority to replace older controllers. These controllers are also not capable of using IDOT's fiber optic network to be completed in 2010. The fiber will improve the interconnect between signals and allow transmission of video and data to a central location.
- The estimated cost of the controllers is \$83,000. The IDOT grant is for \$10,000. The controllers will be installed by city personnel.
- This is project FY09-06A in the CIP and is funded by sales tax revenues.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

**IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR TRAFFIC SAFETY IMPROVEMENT FUNDING
(Traffic Control Device)**

RECIPIENT: Council Bluffs, Iowa

COUNTY: Pottawattamie

PROJECT NO.: CS-TSF-1642(656)-85-78

AGREEMENT NO.: 2010-TS-005

This is an agreement between Council Bluffs, Iowa (hereinafter referred to as Recipient) and the Iowa Department of Transportation (hereinafter referred to as the DOT). The Recipient submitted an application to the DOT for funding through the Traffic Safety Improvement Program under Iowa Code Section 312.2(15), and the application was approved by Transportation Commission Order No. H-2009-23 on, December 9, 2008.

Pursuant to the terms of this agreement, and applicable statutes and administrative rules, the DOT agrees to provide funding to the Recipient to aid in the development of a certain Traffic Safety Improvement project.

In consideration of the foregoing and the mutual promises contained in this agreement, the parties agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the DOT's and/or the Recipient's contact person. The DOT's contact person shall be the District 4 Local Systems Engineer in Atlantic, Iowa. The Recipient's contact person shall be the Honorable Mayor.
3. The Recipient shall be responsible for the development and completion of the following described Traffic Safety Improvement project located in the city of Council Bluffs, Iowa at various intersections:

Upgrade traffic signal controllers, in accordance with current MUTCD guidelines. See Exhibit A-1 for the location of the project and Exhibit A-2 for the estimated project cost.
4. Eligible project costs for the project described in paragraph 3 of this agreement which are incurred after the effective date of Commission Approval shall be paid from Traffic Safety

Improvement funds and other funds as listed below, subject to the execution of a signed agreement:

Traffic Safety Improvement Funds: \$10,000 (Equipment/Material costs only)

5. The portion of the total project costs paid by Traffic Safety Improvement funds shall not exceed the amount stated above (\$10,000) or the actual cost of the Traffic Safety Improvement eligible items, whichever is the smaller amount.
6. The recipient shall maintain records, documents, and other evidence in support of work performed under the terms of this contract. All accounting practices applied and all records maintained will be in accordance with generally accepted accounting principles and procedures. Documentation shall be made available for inspection and audit by authorized representatives of the DOT or its designee at all reasonable times during the period of the contract and for three (3) years after the date of final payment. Reimbursement shall be based on eligible actual and indirect costs associated with performance of contract service work. The recipient shall provide copies of said records and documents to the DOT upon request.

The recipient shall require its contractors to permit the DOT authorized representative to inspect all work materials, records, and any other data with regard to agreement related costs, revenues and operating sources.
7. The Recipient shall initiate project activities in a timely manner. The proposed project completion date is December 31, 2009. If construction of the project has not been completed by this date, this agreement shall be considered to be in default. The Recipient may request the approval of the DOT to revise the completion date. The request must be in writing and be submitted thirty (30) days prior to the completion date as shown above.
8. The project plans, specifications and engineer's cost estimate for site specific improvements and/or traffic control devices shall be prepared and certified by a professional engineer licensed to practice in the State of Iowa. The Recipient shall submit the plans, specifications and other contract documents to the DOT for review. This submittal may be in divisions and in the order of preference as determined by the Recipient. However, the plans, specifications and other contract documents for each division must be submitted at least ten weeks (traffic control devices) or fourteen weeks (site specific project) prior to the project letting of each division. The DOT shall review said submittal(s) recognizing the Recipient's development schedule and shall, after satisfactory review, authorize in writing the Recipient to proceed with implementation of the project. The work on this project shall be in accordance with the survey, plans, and specifications on file. Any substantial modification of these plans and specifications must be approved by the DOT prior to the modification being put into effect.
9. Prior to final reimbursement for the project, the Recipient shall furnish three sets of "as-built" plans for any portion of the project which is on or intersects any primary road or

primary road extension to the DOT's contact person for future maintenance and road design purposes.

10. The Recipient shall be responsible for obtaining any permits, such as the Right to Occupy and/or Perform Work Within the Right-of-Way, Permit of Access, Utility Accommodation, Right to Install and Maintain Traffic Control Devices, and/or other construction permits required for the project prior to the start of construction. Neither the approval of the Traffic Safety application for funding nor the signing of this agreement shall be construed as approval of any required permit from the DOT.
11. If this project requires the installation of or modification to a traffic control signal system, the Recipient shall be responsible for all future ownership, maintenance, and energy costs of said installation or modification.
12. The Recipient shall conduct the project development and implementation in compliance with applicable laws, ordinances and administrative rules. For portions of the project let to bid, the Recipient shall advertise for bidders, make a good faith effort to get at least three (3) bidders, hold a public letting and award contracts for the project work. DOT concurrence in the award must be obtained prior to the award. The Recipient shall provide the DOT file copies of project letting documents within five (5) days after letting.

Additionally, for projects where Federal highway funds, Farm-to-Market funds, or other Federal funds are used to match Traffic Safety Improvement funds, the Recipient shall also follow all administrative and contracting procedures which would normally be used when such funds are used on a non-Traffic Safety Improvement project. The Recipient shall comply with all requirements for the use of said funds.

13. The Recipient shall certify to the DOT's contact person that all known environmental permits have been received and that all environmental regulations have been complied with before Traffic Safety Improvement funds are reimbursed or credited.
14. Project activities or costs eligible for Traffic Safety Improvement funding include only those items set out in Exhibit B which is attached hereto and by this reference incorporated into this agreement.
15. Activities or costs ineligible for Traffic Safety Improvement funding include but are not limited to those items set out in Exhibit C which is attached hereto and by this reference incorporated into this agreement.
16. The Recipient hereby certifies that, for a period of ten (10) years following completion of project and receipt of final payment from the DOT, there shall be no modifications in the geometric features, the construction features, or the access management features (including driveway design and location) of the project, nor shall there be any fixed objects or obstructions placed in any clear zone established in conjunction with this project without the

prior written approval of the Office of Traffic Engineering and Safety. Failure to comply shall be considered a default under the terms of this agreement.

17. This agreement shall be considered to be in default if the DOT determines that the Recipient's application for funding contained inaccuracies, omissions, errors or misrepresentations.
18. The Recipient may submit to the DOT periodic itemized claims for reimbursement for eligible project activities. Reimbursement claims shall include certification by a professional engineer licensed to practice in the State of Iowa that all eligible project activities for which reimbursement is requested have been completed in substantial compliance with the terms of this agreement.
19. The Department shall reimburse the Recipient for properly documented and certified claims for eligible project activity costs, less a withholding of 5% of the Federal and / or State share of construction costs, either by state warrant or by crediting other accounts from which payment may have been initially made. If upon final audit, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Recipient has provided all required paperwork, the Department will release the Federal or State funds withheld.
20. Upon completion of the project described in this agreement, a professional engineer licensed to practice in the State of Iowa shall certify in writing to the DOT that the project activities were completed in substantial compliance with the plans and specifications set out in this agreement. Final reimbursement of Traffic Safety Improvement funds shall be made only after the DOT accepts the project as complete.
21. The Recipient shall be responsible for the daily inspection of the project, and the compilation of a daily log of materials, equipment and labor on the project.
22. If the Recipient fails to perform any obligation under this agreement, the DOT shall have the right, after first giving thirty (30) days written notice to Recipient by certified mail return receipt requested, to declare this agreement in default. The Recipient shall have thirty (30) days from date of mailing of notice to cure the default. If the Recipient cures the default, the Recipient shall notify DOT no later than five (5) days after cure or before the end of said thirty (30) day period to cure default. Within ten (10) working days of receipt of Recipient's notice of cure, the DOT shall issue either a notice of acceptance of cure or notice of continued default.
23. In the event a default is not cured the DOT may revoke funding commitments and/or seek repayment of Traffic Safety Improvement funds granted by this agreement through charges against the Recipient's road use tax funds.
24. If the Recipient lets the project, as described herein, the Recipient shall include in their Notice to Bidders that Sales Tax Exemption Certificates will be issued, as provided for by Iowa Code section 423.3, subsection 80. The Recipient shall be responsible for obtaining the sales tax

exemption certificates through the Iowa Department of Revenue and Finance. The Recipient shall issue these certificates to the successful bidder and any subcontractors to enable them to purchase qualifying materials for the project free of sales tax.

25. The Recipient agrees to indemnify, defend and hold the DOT harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, or inspection of this project. This agreement to indemnify, defend and hold harmless applies to all aspects of the DOT's application review and approval process, plan and construction reviews, and funding participation.
26. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
27. The Recipient shall use positive efforts to solicit bids from and to utilize Targeted Small Business (TSB) enterprises as contractors and ensure that the contractors make positive efforts to utilize these enterprises as subcontractors, suppliers or participants in the work covered by this agreement. Efforts shall be made and documented in accordance with Exhibit D which is attached hereto and by this reference incorporated into this agreement.
28. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.
29. This agreement is not assignable without the prior written consent of the DOT.
30. It is the intent of both parties that no third party beneficiaries be created by this agreement.
31. In case of dispute concerning the terms of this agreement, the parties shall submit the matter to arbitration pursuant to Iowa Code Chapter 679A. Either party has the right to submit the matter to arbitration after ten (10) days notice to the other party of their intent to seek arbitration. The written notice must include a precise statement of the disputed question. DOT and the Recipient agree to be bound by the decision of the appointed arbitrator. Neither party may seek any remedy with the state or federal courts absent exhaustion of the provisions of this paragraph for arbitration.
32. This agreement shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same instrument.
33. This agreement as set forth in paragraphs 1 through 33 herein, including referenced exhibits, constitutes the entire agreement between the DOT and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement must be made in the form of an addendum to this

agreement. Said addendum shall become effective only upon written approval of the DOT and Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement No. 2010-TS-005 as of the date shown opposite its signature below.

City of Council Bluffs, Iowa:

By: _____ Date _____, 20____.
Title: _____

I, _____, certify that I am the Clerk of the City, and that _____, who signed said Agreement for and on behalf of the City was duly authorized to execute the same by virtue of a formal Resolution duly passed and adopted by the City, on the _____ day of _____, 20____.

Signed _____ Date _____, 20____.
City Clerk of Council Bluffs, Iowa

Iowa Department of Transportation:

By: _____ Date _____, 20____.
Steve Gent
Director,
Office of Traffic and Safety

EXHIBIT A-1

CONTROLLERS FOR 2008 TSIP

City of Oxnard, California

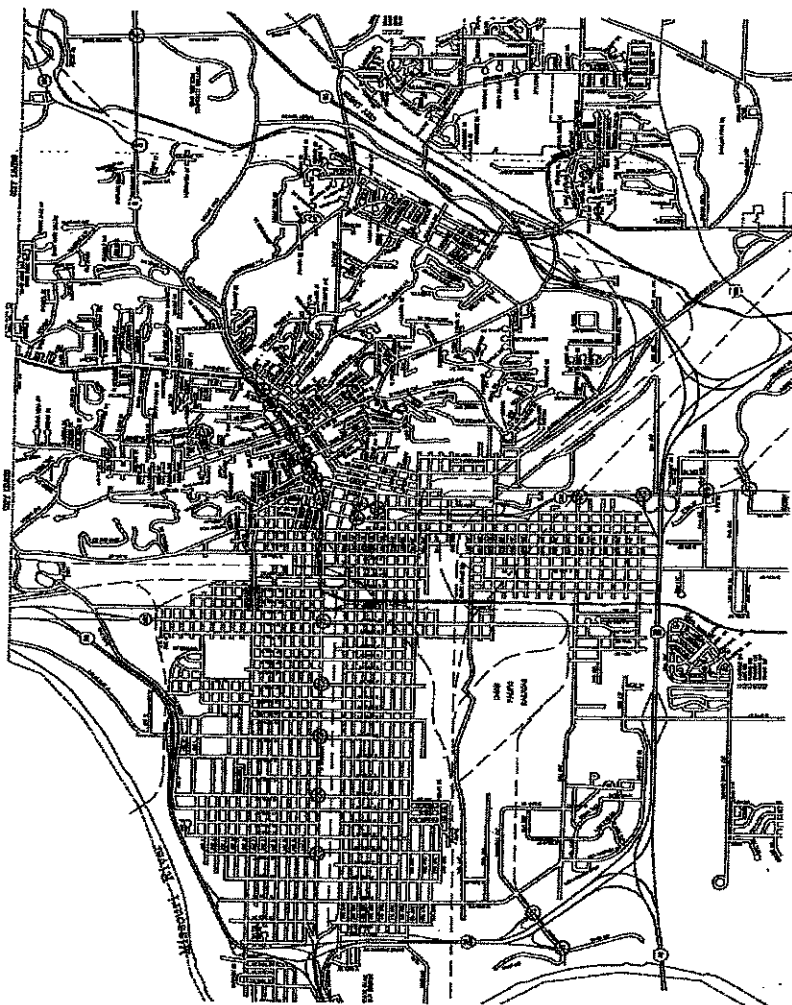


EXHIBIT A-2

The cost to replace 25 controllers, Siemens Eagle M52 Signal Controllers @ \$3,320.00 each would total \$83,000.

The City of Council Bluffs, Iowa would use Public Works Traffic Maintenance Personnel to install these new signal controllers over a period of several months.

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EXHIBIT B
(Traffic Control Devices)

Project activities or costs eligible for Traffic Safety Improvement funds include only the following:

- a. The cost of materials purchased for initial installation of traffic control devices or replacement of obsolete traffic control devices to comply with the applicable warrants in the Manual on Uniform Traffic Control Devices (MUTCD) adopted in 761 Iowa Administrative Code 130.1(321), shall be eligible for funding.

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EXHIBIT C
(Traffic Control Devices)

Activities and costs ineligible for Traffic Safety Improvement funds include but are not limited to:

- a. Any and all costs incurred prior to Transportation Commission approval of funding.
- b. Maintenance or energy costs for traffic control devices or lighting.
- c. Installation costs.

EXHIBIT D
UTILIZATION OF
TARGETED SMALL BUSINESS (TSB) ENTERPRISES ON
NON-FEDERAL AID PROJECTS
(THIRD-PARTY STATE-ASSISTED PROJECTS)

In accordance with Iowa Code Section 19B.7 and 541 Iowa Administrative Code (IAC) Chapter 4, it is the policy of the Iowa Department of Transportation (Iowa DOT) that Targeted Small Business (TSB) enterprises shall have the maximum practicable opportunity to participate in the performance of contracts financed in whole or part with State funds.

Under this policy the Recipient shall be responsible to make a positive effort to solicit bids or proposals from and to utilize TSB firms as contractors or consultants. The Recipient shall also ensure that the contractors or consultants make positive efforts to utilize TSB firms as subcontractors, subconsultants, suppliers, or participants in the work covered by this agreement.

The Recipient's "positive efforts" shall include, but not be limited to:

1. Obtaining the names of qualified TSB firms from the Iowa Department of Inspections and Appeals (515-281-7357) or from its website at: <http://www.iowai.net/iowa/dia/tsb>
2. Notifying qualified TSB firms of proposed projects involving State funding. Notification should be made in sufficient time to allow the TSB firms to participate effectively in the bidding or request for proposal (RFP) process.
3. Soliciting bids or proposals from qualified TSB firms on each project, and identifying for TSB firms the availability of subcontract work.
4. Considering establishment of a percentage goal for TSB participation in each contract that is a part of this project and for which State funds will be used. Contract goals may vary depending on the type of project, the projects subcontractible items, the type of service or supplies needed for the project, and the availability of qualified TSB firms in the area.
5. For construction contracts:
 - a) Including in the bid proposals a contract provision titled "TSB Affirmative Action Responsibilities on Non-Federal Aid Projects (Third-Party State-Assisted Projects)," or a similar document developed by the Recipient. This contract provision is available on-line at:
http://www.dot.state.ia.us/local_systems/publications/tsb_contract_provision.pdf
 - b) Ensuring that the awarded contractor has and shall follow the contract provisions.
6. For consultant contracts:
 - a) Identifying the TSB goal in the RFP, if one has been set.
 - b) Ensuring that the selected consultant made a positive effort to meet the established TSB goal, if any. This should include obtaining documentation from the consultant that includes a list of TSB firms contacted, a list of TSB firms that responded with a subcontract proposal, and, if the consultant does not propose to use a TSB firm that submitted a subcontract proposal, an explanation why such a TSB firm will not be used.

The Recipient shall provide the Iowa DOT the following documentation:

1. Copies of correspondence and replies, and written notes of personal and/or telephone contacts with any TSB firms. Such documentation can be used to demonstrate the Recipient's positive efforts and it should be placed in the general project file.
2. Bidding proposals or RFPs noting established TSB goals, if any.
3. The attached "Checklist and Certification." This form shall be filled out upon completion of each project and forwarded to: Iowa Department of Transportation, EEO Administrator, Office of Contracts, 800 Lincoln Way, Ames, IA 50010.

CHECKLIST AND CERTIFICATION
For the Utilization of Targeted Small Businesses (TSB)
On Non-Federal-aid Projects (Third-Party State-Assisted Projects)

Recipient: _____ Project Number: _____

County: _____ Agreement Number: _____

1. Were the names of qualified TSB firms obtained from the Iowa Department of Inspections and Appeals?
☐ YES ☐ NO

If no, explain _____

2. Were qualified TSB firms notified of project? ☐ YES ☐ NO

If yes, by ☐ letter, ☐ telephone, ☐ personal contact, or ☐ other (specify) _____

If no, explain _____

3. Were bids or proposals solicited from qualified TSB firms? ☐ YES ☐ NO

If no, explain _____

4. Was a goal or percentage established for TSB participation? ☐ YES ☐ NO

If yes, what was the goal or percentage? _____

If no, explain why not: _____

5. Did the prime contractor or consultant use positive efforts to utilize TSB firms on subcontracts? ☐ YES ☐ NO

If no, what action was taken by Recipient? _____

Is documentation in files? ☐ YES ☐ NO

6. What was the dollar amount reimbursed to the Recipient
 from the Iowa Department of Transportation? \$ _____
 What was the final project cost? \$ _____
 What was the dollar amount performed by TSB firms? \$ _____

Name(s) and address(es) of the TSB firm(s) _____
 (Use additional sheets if necessary)

Was the goal or percentage achieved? ☐ YES ☐ NO

If no, explain _____

As the duly authorized representative of the Recipient, I hereby certify that the Recipient used positive efforts to utilize TSB firms as participants in the State-assisted contracts associated with this project.

 Title

 Signature

 Date

RESOLUTION
NO 09-274

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
IOWA DEPARTMENT OF TRANSPORTATION AGREEMENT FOR
TRAFFIC SAFETY IMPROVEMENTS FUNDING
PROJECT NO. CS-TSF-1642(656)—85-78
AGREEMENT NO. 2010-TS-005
FY09-06A**

WHEREAS, the city wishes to make improvements known as the
Traffic Safety Improvements Funding, within the city,
as therein described; and

WHEREAS, Iowa Department of Transportation has submitted an agreement
to provide for said improvements; and

WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with
Iowa Department of Transportation for services relative to the Traffic Safety Improvements
Funding.

ADOPTED
AND
APPROVED

September 14, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk